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**MEMOIRS**  
**OF**  
**THE CAMPAIGN OF**  
**THE NORTH WESTERN ARMY**  
**OF THE UNITED STATES, A.D. 1812.**

**IN A SERIES OF LETTERS ADDRESSED TO THE CITIZENS  
OF THE UNITED STATES.**

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**WITH AN APPENDIX,**  
**CONTAINING A BRIEF SKETCH OF THE REVOLUTIONARY SERVICES OF**  
**THE AUTHOR.**

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**BY WILLIAM HULL,**  
**LATE GOVERNOUR OF THE TERRITORY OF MICHIGAN, AND BRIG-**  
**ADIER GENERAL IN THE SERVICE OF THE UNITED STATES.**

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**MEMOIRS**  
OF THE CAMPAIGN OF THE  
**NORTH WESTERN ARMY,**  
IN THE YEAR 1812.

*Addressed to the People of the United States.*

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No. I.

*Fellow Citizens,*

WHEN my defence before the Court Martial was published, I stated in a preface addressed to you, that it was not then in my power to present all the documents and evidence which related to the subject; that the proceedings were deposited in the office of the Secretary of the department of War, and by law, I was entitled to a copy of them; and as soon as they were obtained, they should be published in separate numbers. Until the present time, I have not been able to obtain them.

Immediately after the trial, during the administration of Mr. Madison, I addressed a letter to the Secretary of War, Gen. Armstrong, requesting a certified copy. He did not think proper to comply with my request, or even return an answer to my application. Lately, under the administration of President Monroe, they have been prepared and transmitted by Mr. Calhoun, the present Secretary, with a promptitude and independence becoming the character of that officer.

Although it has been a source of severe regret, that I have not been able to make this communication at an earlier period, yet under all circumstances, perhaps it ought not to be considered a misfortune. All who were then actors on the stage, will re-

member how violently our country was convulsed by parties, and political dissensions. Truth itself was so obscured by prejudice, that it was almost impossible to make it apparent. All easily believed what they wished to be true. Fortunately, those inauspicious days have passed away, and with them the feelings and prejudices which existed. The time now appears favourable for calm enquiry, and I shall endeavour to redeem the pledge which I then gave.

Having now passed the 70th year of my age, I am strongly admonished, that this appeal will not be prepared in a manner so satisfactory to myself, or so acceptable to you, as it might have been, before age had impaired my health, and necessarily enfeebled the powers of my mind.

I shall however undertake it, with a firm reliance on your candour, and with a confident expectation, that you will read without prejudice, and decide with impartiality. It will be written in the style of simplicity, and adorned with nothing but truth in its plainest garb. On an occasion so interesting to me, I cannot omit to express the satisfaction I feel, in appearing before a tribunal of enlightened citizens, who in forming their constitution, have wisely retained the sovereign power, and whose final opinion can reverse the sentence of all subordinate authorities. With confidence, therefore, I shall make this appeal to your candid and impartial judgment.

In the progress of my following numbers, I am not insensible of the difficulties with which I have to contend. I am not insensible of the deep interest which yet exists, that the causes of the disasters of the campaign of 1812, should remain where the administration have attempted to place them. I am not insensible how hard is the task of removing the weight of oppression, which I have so long and so unjustly sustained.

In making my statements, and adducing the documents and evidence in proof of them, it will frequently be necessary to bring into view the officers who composed the administration at that time, the Court Martial before which I was tried, and other distinguished characters.

In cases of this kind, fearless of any consequences to myself, while on the one hand I shall comment with the most perfect freedom on their conduct — On the other, I shall endeavour to suppress any feeling of resentment, for the injustice and per-

secution which I have experienced from them, and shall say nothing more than is necessary for a fair exemplification of the facts, which it will be my object to establish.

If, when this mirror is placed before them, they should discern the truth, and be made sensible, that, by their unfounded representations, they have been the instruments of injuring an innocent individual, and robbing him of the character he had acquired by a long course of public services, both in the cabinet and in the field, and in this view of the subject, any compunctions of conscience should be excited, I do not, and cannot wish them a more thorny pillow, than will be made by their own reflections.

It is possible I deceive myself in the indulgence of the hope that this subject will even for a moment excite your attention. You may say, that it has been settled by the administration, and that that decision ought to be conclusive and final—that the character of an individual is of little consequence, when compared, with the character of the administration—and that it is not expedient to rake open embers which have so long been covered. But when you consider that my character is connected with the events which took place, and how important it is that the truth of those events should be preserved and handed down to posterity, I cannot but hope, that such considerations will be a sufficient answer to the objections, and induce you to feel an interest in the narrative I shall present, and the evidence I shall produce in its support; and that you will believe no means are so powerful as truth, to preserve the honour of the nation.

Should these expectations be disappointed, and should the statements, with the evidence on which they are founded, not remove the veil of prejudice from the eyes of the present generation, the reflection of having preserved materials for the future historians of our country, will be an ample reward for my labours, and a soothing consolation during the short remnant of my future life.

It will be remembered, this was the first war in which our country was engaged with a civilized nation, after the war of the revolution, by which our independence was obtained.

It was the first experiment of your constitution, for the preservation of those rights, which had been acquired by the valour and blood of the few who now survive, and of many of your Fathers, who rest in their tombs.

In the first place I shall show, that I accepted a military appointment, and the command of the forces in Ohio, in time of peace, for the purpose of protecting the inhabitants of the Territory of which I was Governor, and those of the North-western frontier against the savages ;—That I considered the force entrusted to my command, in time of peace with Great Britain, when we had the free communication of Lake Erie, to obtain the necessary supplies, sufficient for that object ;—That these forces being ordered nearly four months before the declaration of war, and there being strong indications that it would take place, I communicated to the government my views, in an event of that kind ;—That these official communications were made both before and after I accepted this command ;—That in the event I have mentioned, I stated in the most explicit manner, that a naval force, sufficient to command Lake Erie, would be indispensably necessary, and essential to success ;—That without such a force, an army could not be supported at Detroit, and that *that place, Michillimackinack and Chicago*, must necessarily fall into the hands of the enemy.—And if it were the intention of the Government, that hostilities should be commenced from that quarter against Upper Canada, it would be indispensably necessary, besides the co-operation of a naval force, to provide an army on the Niagara river to assist and to co-operate with the Army at Detroit. That these communications, having been received as official communications, I had every reason to believe, before a war was declared, that such a navy, and such an army, would have been provided ;—That with these impressions I proceeded to the state of Ohio, took the command of the forces, which consisted of 1200 militia and volunteers, and about three hundred regulars ;—That these militia were badly armed, badly clothed, and entirely undisciplined ; That my orders were to march to Detroit, and make the best arrangements in my power for the protection of the inhabitants against the Indians ; That the country from Urbanna in Ohio, to Detroit, was principally a wilderness, and the distance about 200 miles ;—That I was furnished with no field artillery ;—That on the 2d day of July, near the foot of the rapids of the Miama, about fifty-two miles from Malden, and seventy from Detroit, I first received information of war against Great Britain, fourteen days after it had been declared ;—That the letter from the Administration announcing this event, was delivered to me by a stranger, who informed me

that it was brought by the mail to the Post Office in Cleaveland, state of Ohio, and the Post Master of that place had employed him to deliver it to me, wherever he found me, on my march to Detroit ;—That the rout it was sent was very circuitous, and if it had been sent by an express, it might have reached me in four or five days at farthest ;—That the enemy at Malden, fifty miles more distant from Washington than my army, received the information several days before ;—That by this letter from the administration, I was not only informed that war was declared against Great Britain, but was positively ordered to march the forces under my command to Detroit, eighteen miles in the rear of the enemy's principal fortress at Malden ; and there wait for further orders ;—That on the first day of July, having received no information of the declaration of war, and supposing the navigation of the Lake to be safe, a vessel was employed by the Quarter-Master, to transport the sick of the army, and the stores and baggage, not necessary on the march, to Detroit ;—That this vessel was taken by the enemy on her passage, and that this first misfortune was occasioned by the neglect of the administration, in not giving me information of the war eight days sooner, which might easily have been done ;—That I have the strongest possible ground to declare, that this might have been done, because I shall show, that I received a letter from Washington, on the 26th of June, and dated also the 18th, the same date with the letter announcing the declaration of war, by express, which gave no information of the declaration of war.

I shall prove by the records of the government that I stated in the most explicit terms to the administration, that Detroit, or some position on the waters of Lake Erie, would be a suitable position for troops, in time of peace with Great Britain, designed for the protection of the Michigan Territory, and the Northwestern frontier against the savages.—But in the event of war with that nation, it would be impossible to support an army in that country, without a naval force, sufficient to preserve the communication of the Lake, and without a powerful army on the Niagara strait, to take possession of the enemies posts, on that strait, and co-operate with such forces as should make an invasion from Detroit, and by the co-operation of such forces, take possession of the Province. I shall show that this order of the administration to march my army to Detroit, after the declara-



tion of war, and no navy being provided, to preserve the communication of the Lake, and no army on the Niagara strait, which ever co-operated with me, was contrary to what I had sufficient grounds to believe was the understanding before I left Washington; contrary to the most explicit opinion I had given on the subject; contrary to all military experience, and the principles which have been taught by the best military writers; —That I obeyed this order because it was positive, and under the full expectation, that a naval force, and an army would have been provided to have assisted and co-operated with me, and that I had sufficient reasons to expect such assistance and co-operation in the event of war, and in the invasion of Canada; —That in compliance with these orders, I passed the enemy's post at Malden, and proceeded to Detroit, eighteen miles in the rear of that post, and both situated on the same river, where I arrived on the 5th of July; —That notwithstanding my orders were positive to remain there until I should receive further orders, the militia and volunteer officers nearly excited a mutiny, because I did not immediately cross the river, and commence offensive operations in violation of my orders; —That on the 9th of July, I received an unqualified authority, which from the manner in which it was expressed, could have had no other construction, than a positive order to cross the river, and invade the enemy's territory; and to issue a proclamation to the inhabitants, and to pledge the government that they should be protected in their persons, property, and rights; and in the same letter I was only authorized to attack the fortress at Malden, provided, in my opinion, my forces were adequate to the enterprise, and it could be done consistently with the safety of my other posts; —That I issued a proclamation to the inhabitants, and on the morning of the 12th of July, crossed the river and took possession of the opposite bank, in the face of the enemy; —That I was induced to adopt these measures from the orders I received from the government, from the impatience of my army, from the convenience, and even necessity of collecting supplies from the enemy's country, from the expectation of co-operation, and from the hope that a display of the American flag on both sides the river, would have a favourable effect on the savages and militia of the province; —That the authority I received to attack the enemy's fortress at Malden, being discretionary, I wrote to the

Government the same day I received it, that my force was not adequate to the enterprize, and stated as a reason, that the enemy commanded the Lake and the savages.

That I remained in the enemy's country about a month, under the expectation of receiving assistance and co-operation from the army under the command of General Dearborn, at Niagara ; that during this time I received information that Michillimackinack, on the same navigable waters with Detroit and Malden, had fallen ; that the forces, with the savages, of all that region, were descending the waters of the northern lakes against me ; that I likewise had received certain information, that General Brock, with all the regulars and militia of Upper Canada, was proceeding to Malden ; and that the road I had opened through the wilderness, from Ohio, was filled with hostile savages, and that no supplies could be obtained for the army through that communication ;—That, under these circumstances, I considered that it was my duty to re-cross the river, with the principal part of my forces, and attempt to open the only communication I could now possibly have with my country ;—That on the 8th of August, I re-crossed the river to Detroit, and on the same day made a detachment of all the regulars, and part of the Ohio militia, amounting to 600, under the command of Colonel Miller, with orders to proceed to the river Raisin, for the purpose of opening that communication ; that on his way to that station, he was attacked, near Brownstown, by the regulars, militia, and savages, from Malden, and that, after the loss of between eighty and ninety men on our part, the enemy was compelled to retreat ; that, as it was the opinion of Colonel Miller, that this detachment could not proceed to the river Raisin, without a reinforcement of 150 or 200 men, I thought proper to order him back to Detroit, especially as the troops had been out in a violent storm, were greatly fatigued, and it was necessary to remove, and provide for the wounded ;—That on the 14th of August, not having received information, of the arrival of General Brock, and the necessity of opening the communication, for the purpose of obtaining supplies, becoming more urgent, I made another detachment, of the effective men of Colonels McArthur and Cass' regiments, commanded by the two Colonels, for the purpose : that as soon as I received information of the arrival of General Brock, with the forces, from the eastern part of the

province, I immediately sent expresses, with orders to McArthur and Cass to return to Detroit. That when General Brock, landed at the Spring Wells, three miles below Detroit, on the morning of the 16th of August, I had received no information from them, and must have supposed they were at the river Raisin, about fifty miles from Detroit, the route they were ordered to march. And I pledge myself, fellow citizens, to prove to the satisfaction of every unprejudiced mind, that on the morning of the 16th, when General Brock landed, the provisions were exhausted, that there was no possibility of obtaining a supply from any quarter whatever, and that his effective force was much more than twice my number. That my communication was entirely cut off, both by land and water; that a part of the Michigan militia deserted, and joined General Brock's standard, as soon as he landed; that the savages were let loose on the inhabitants, whom it was impossible for me to protect; and that even a victory against his regulars and militia, that morning, would have been only a useless waste of blood—that I could not have conquered his savages in the wilderness, or his navy on the Lake, and consequently could not have opened my communication; that, under the circumstances my army was placed by the orders of the government, it could no more exist, than the human arm can exist when cut off from the body; and that the measures I adopted were necessary, from my situation, and dictated by the highest sense of duty; that I was forced into this situation, by the orders of the government, and every avenue to it was closed by the enemy, in such a manner that there was not a possibility of escaping. And here I shall wish to be distinctly understood; I have said, that the order which I received from the government to march to Detroit, after the declaration of war, and when Lake Erie was in possession of the enemy's naval force, was contrary to all military experience, and one fatal cause of the disasters of the campaign. It was the case, as the result has proved. Had the orders however of the government been obeyed by General Dearborn, the result probably would have been very different. I shall show, that he was repeatedly ordered, by the letters of the Secretary of War, and by the command of the President, immediately after the declaration of war, to assemble the forces under his command on the Niagara River, to attack the enemy's posts in that part of the prov-

ince of Upper Canada, and co-operate with the forces under my command ; that during that time he never suffered a man to enter the enemy's country, that he neglected to obey the positive commands of his government ; and without any orders, agreed to an armistice, or suspension of hostilities, with Sir George Provost, in which my army was not included ; which will be shown, enabled General Brock, with all the forces of Upper Canada, and indeed a large reinforcement from Montreal, to proceed to Malden, and attack me : that he established a peace on the Niagara frontier, and it became only necessary for the enemy to leave at their forts in that quarter a few invalids to guard their barracks, &c. And I shall further show, that after General Dearborn, the commanding General of the armies, had thus neglected to obey the orders of the government, and had been the great cause of the disasters of the campaign, he was appointed the President of the Court Martial for my trial ; and that, although the administration employed, at your expense, two of the first counsellors in our country, Mr. Dallas, and Mr. Van Buren, to assist the Judge Advocate in the prosecution, the Court would not suffer me to employ any counsel at my own expense, to open their lips in the Court ; and the *opinions* of officers were admitted to prove entire charges and specifications against me. That the officers who were selected by the administration to give their opinions respecting my conduct, and to testify against me, had been promoted, after the capitulation, from Lieutenant Colonels in the militia, to the rank of Generals in the regular army, and others of inferior rank on a similar scale : that the most outrageous measures were adopted to excite your prejudices against me ; that the officers who appeared as witnesses, were applauded in the public Newspapers for the manner in which they testified, and pamphlets were printed and hawked for sale, at the very door of the Capitol where I was tried, filled with the most scandalous falsehoods. That I was accused by the administration of capital crimes for acts, which I shall prove by the letters of the Secretary of War, the President had before fully approved ; and that the proclamation I issued to the Canadians was by order of the President : that as soon as it was issued it was sent to him ; and after he received it, I shall produce letters, written by the Secretary of War, by his order, to show that all my conduct, operations, and arrange-

ments, were not only approved by him, but viewed with the highest satisfaction : that notwithstanding this unqualified approbation of the proclamation by the President, the Plenipotentiaries at the treaty of Ghent, without any instructions from the administration on that subject, declared to the British Plenipotentiaries, and consequently to the British nation and to the world, that it was unauthorized, and disapproved by the Government : that in an interview with the Hon. John Quincy Adams, one of the Plenipotentiaries, in answer to my inquiry, on what ground that declaration was made, he answered, that they had no particular instructions to make the declaration, that they received the information from Mr. Gallatin, that he wrote the paper which contained it, and he being one of the Plenipotentiaries, the others were induced to give it their signatures.

I have given a very general sketch of the subjects of the following memoirs. The facts stated will be proved by the best evidence of which the nature of the case will admit ; and principally by the records of the government itself. After you are possessed of the facts and evidence, I shall cheerfully submit the question to your candid judgment. It is difficult always to form a correct opinion, in our own case. I can however declare with safety, that if I have committed errors, they were errors of the head, and not of the heart.

### No. III.

As a desire for military fame and motives of ambition, have been imputed to me, I consider it a duty which I owe both to myself and to you, to explain the true reasons, which finally, and very reluctantly induced me to accept an appointment in the army, and to satisfy you that the imputations are without any foundation. It has likewise been represented, and is believed by many, that I urged on the government the expediency of a declaration of war against Great Britain, at the time of my military appointment, and made representations that the Canadians were dissatisfied with their government, were desirous of independence, would join the American standard, whenever it was displayed in their territory, and that the conquest of those provinces might be easily effected with a small force. So

far from ever expressing or entertaining opinions of this kind, I shall shew you, from the records of the government, the representations which I made, both before and after I accepted a military appointment; these communications must be considered the best evidence the nature of the case will admit, of the views I entertained. Before I present them to you, I will ask your attention to the particular reasons which induced me to accept a military appointment before the declaration of war, in June 1812.

Being at Washington in February 1812, and being at that time governour of the Territory of Michigan, and accounts having been received from that section of the country, that the Indians were becoming hostile to the defenceless inhabitants of that exposed frontier, it was natural for me to feel a solicitude for their safety. I urged on the officers of the administration, the expediency of providing a force for their protection. At this time, in consequence of the differences which existed between our government and Great Britain, Congress had thought it expedient to augment the army, and was taking measures for the purpose. These measures were well known to the officers who administered the government in the provinces of the Canadas, and the causes which produced them. In the event of a war with England, they were satisfied that the invasion of those provinces would be the first object. The numerous, and powerful tribes of savages, which not only inhabited that country, but also the northern and western territory of the United States, were considered as the allies and friends of England. On them she depended for assistance, whenever her dominions were invaded. The strong indications of war, which were then apparent, induced his Brittannic Majesty's officers to adopt measures of precaution and safety against the impending storm. Messages were therefore sent to the different tribes, informing them of the warlike preparations which were making by the United States, of the events which probably would soon take place, and inviting them to join their standard in such a result. These messages were accompanied with unusual quantities of presents, consisting of munitions of war, clothing, and ornaments, gratifying to their pride and vanity. The British nation, ever since her possession of the Canadas, has expended immense sums of money in presents, not only to the Indians, who inhabit her prov-

inces, but also to those who reside within the territories of the United States. On this occasion every effort was made to prepare them for the approaching crisis.

Of all employments, war is the most grateful to a savage. The prospect of it did not fail to produce the excitement, intended, by the means made use of by the British agents. It became apparent, from the manner they assembled to celebrate their war feasts, and from the hostile dispositions they manifested towards the inhabitants of the frontier, and particularly towards those of the territory of Michigan, which borders several hundred miles on the Canadas, and is only separated by an imaginary line, in the middle of the rivers and lakes. The hostile indications, which were frequently accompanied with acts of cruelty and murder, excited alarm among the inhabitants, and were represented both by the civil authorities and commanding officers of the garrisons, as foreboding evils, against which it was necessary to guard. The exposed and dangerous situation of that section of the country, being thus made known to the administration, measures were promptly adopted for its safety. The governor of the state of Ohio, was called on, by the President of the United States, to detach 1200 militia, and prepare them for actual service. These militia were to be joined by the 4th U. S. Regiment, then at Post St. Vincennes.

After these arrangements were made, the Secretary of War informed me, that it was the desire of the President, that I should accept the appointment of a Brigadier General, in the army, and take the command of these forces, and march them to Detroit, the place of their destination. I observed to the Secretary, that I was not desirous of any military appointment, and declined it in the most unqualified manner. Another officer was designated for this command, and ordered to Washington to receive his instructions. On his arrival, he became disqualified by sickness. The proposition was again made to me, and the necessity of a force in the country, for the purposes before mentioned, being more urgent, I informed the Secretary, that I was going to my government at Detroit, and I would accept any military appointment, either the rank of Lieutenant Colonel, Colonel, or Brigadier General, which would give me the command of those forces, and lead them through the wilderness to their place of destination. In consequence of this

consent, I was immediately nominated and appointed a Brigadier General. I accepted the appointment, with great reluctance, and from no other motive and with no other view, than to afford my aid in the protection of the frontier inhabitants, and those of the Territory of Michigan against the savages.

As proof of the principal facts here stated in relation to my appointment as a Brigadier General in the army, I will state the testimony of his excellency Governour Eustis, who was then Secretary of the Department of War;—the whole of which may be seen in Lieut. Col. Forbes's report of my trial, pages 3, 4, and 5, of the appendix.

The part relating to the facts referred to, is as follows:—

“The latter part of February 1812, information had been received from Mr. Atwater, then Secretary of the Territory of Michigan, and acting as Governour, that there were strong appearances of hostility among the Indians, and that the territory was in danger. That Gen. Hull urged on him, as Secretary of War, the expediency and necessity of ordering a force there, for the protection of Detroit, the territory, and the northern frontier. That he declined in the first instance accepting the office of Brigadier General. That Col. Kingsbury was then ordered to Washington, for the purpose of proceeding to the state of Ohio to take the command of this force, and on account of bodily indisposition, was not ordered on the command—and afterwards, when he (Gen. Hull,) was appointed, it was not solicited by him—and that he manifested great anxiety for the safety of the northern frontier, and the Territory of Michigan.”

I have made this statement, and produced this evidence, for no other purpose, than to satisfy you, that I did not accept this appointment from the motives which have been unjustly imputed to me.

Having for seven years been Governour of the territory, and being then the Governour, it was impossible for me to feel indifferent to the safety of its inhabitants. I consented therefore to accept any military appointment, which the government should think proper to give me, for this purpose. And it was distinctly understood, that this appointment was not incompatible with my office as Governour, and that office was to be retained by me. As evidence that this was the intention of the



administration, I received orders, on my arrival in the territory, to perform my civil duties, in the same manner, as if no such appointment had been made—as a further evidence, that this was the intention, I never asked for, or received a military commission, in consequence of the appointment. And further, it was my intention, when the object of safety to the inhabitants was accomplished, and my military duties in any degree interfered with my duties as Governour, to have resigned the military appointment. I have been thus particular, to satisfy you, my fellow citizens, what were my motives in accepting a military appointment,—and to your candid judgment I appeal, whether they were laudable.

I believed it to be my duty, to make use of every exertion in my power, for the protection of a people, with whom I was so nearly connected, against the dangers with which they were threatened.

As the differences, which existed between the United States, and Great Britain had not been settled by negociation, and as there appeared indications of war, in my next number, I shall state the views I communicated to the government, before I left Washington, in such an event.

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#### No. IV.

In my former number, I have explained what were the objects of the government, in detaching the Ohio militia in 1812, before war was declared, and what were my motives in taking the command of them; viz. the protection of the inhabitants on the frontier of our country against the savages.

I shall now endeavour to demonstrate, that it was neither the expectation of the Government, nor my expectation, at the time I accepted the command, that these forces, in the event of war with Great Britain, would have been employed in the invasion of Upper Canada, *without a sufficient naval force, to have commanded Lake Erie*, and to have preserved the water communication from the states of New-York, Pennsylvania, and Ohio, which border on the south and east part of said lake; and likewise, without the co-operation of other forces to the same object.

As early as the 3d of April, 1809, being then Governour of the Territory of Michigan, I addressed an official letter to the Secretary of the department of war, in relation to the security and defence of the frontier settlement of our country in which, among other things, I observed, "I would suggest for consideration the expediency of building some armed vessels on Lake Erie, for the purpose of preserving the communication; consider you have three military posts, to the north and west of these waters and no other communication with them." The 15th of June, 1811, about a year before the declaration of war, against Great Britain, I addressed another letter to the government, through the Secretary, from which the following is extracted; "From the present state of our foreign relations, particularly with England, I am induced to believe, there is little prospect of a continuance of peace. In the event of a war with England, this part of the United States, (meaning the Michigan Territory) will be particularly situated. The British land forces at Amherstburg and St. Joseph's, are about equal to those of the United States, at this place and Michilimackinack. The population of Upper Canada is more than twenty to one compared to this territory. That province contains about one hundred thousand inhabitants, while our population does not amount to five thousand. A wilderness of near two hundred miles separates this settlement from any of the states. Besides, the Indiana Territory and states of Ohio and Kentucky are thinly inhabited, have extensive frontiers, and their force will be necessary for their own defence. With respect to the Indians, their situation and habits are such, that little dependence can be placed on them. At present they appear friendly, and was I to calculate on the profession of their chiefs, I should be satisfied that they would not become hostile. Their first passion, however, is war. The policy of the British government is to consider them their allies, and in the event of war, to invite them to join their standard. The policy of the American government has been to advise them, in the event of war, to remain quiet at their villages, and take no part in quarrels, in which they have no interest. Many of their old Sachems and Chiefs would advise to his line of conduct. Their authority, however, over the warriors would not restrain them. They would not listen to their advice. An Indian is hardly considered as a man, until he has been engaged in war, and can show trophies. This first, and

most ardent of all their passions, will be excited by presents, most gratifying to their pride and vanity. Unless strong measures are taken to prevent it, we may consider beyond all doubt, they will be influenced to follow the advice of their British Father. This then appears to be the plain state of the case; the British have a regular force, equal to ours. The province of Upper Canada has on its rolls, a militia of twenty to one against us. In addition to this, there can be little doubt, but a large proportion of the savages will join them; what then will be the situation of this part of the country? Separated from the states by an extensive wilderness, which will be filled with savages, to prevent any succour, our water communications entirely obstructed by the British armed vessels on Lake Erie, we shall have no other resource for defence, but the small garrisons, and feeble population of the territory. Under these circumstances, it is easy to foresee what will be the fate of this country.

“It is a principle in nature, that the lesser force must give way to the greater. Since my acquaintance with the situation of this country, I have been of the opinion that the government did not sufficiently estimate its value and importance. After the revolution, and after it was ceded to us by treaty, the blood and treasure of our country, were expended in a savage war to obtain it. The post at this place, is the key of the northern country. By holding it the Indians are kept in check, and peace has been preserved with them to the present time. If we were once deprived of it, the northern Indians would have no where to look, but to the British government in Upper Canada. They would then be entirely influenced by their councils. It would be easy for them, aided by the councils of the British agents, to commit depredations on the scattered frontier settlements of Ohio, Kentucky, Indiana, &c. They would be collected from the most distant parts of their villages, where the English factors have an intercourse with them, and would become numerous. Under these circumstances, if there is a prospect of war with England, what measures are most expedient? In my mind, there can be no doubt. *Prepare a naval force on Lake Erie superiour to the British, and sufficient to preserve your communication.*”

I have transcribed so much of this letter, the original of which may be found on the files of the war office, principally to show,

that I considered a naval force on Lake Erie, superiour to the British, and sufficient to preserve the communication, in the event of war, essential, even for the preservation of the country; and likewise to show how strongly I urged it on the government, a year before war was declared.

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### No. V.

On the sixth of March, 1812, about a month before I was appointed a General in the army, I addressed another letter to the government, through the Secretary of the department of war, in which I stated the situation of the inhabitants on our frontier settlements, and particularly those in the Territory of Michigan, in which I pointed out the expediency of ordering a force for their protection, and building a navy on Lake Erie sufficient to preserve the communication. The following is an extract from this letter.

“If we cannot command the ocean, we can command the inland lakes of our country. I have always been of the opinion, that we ought to have built as many armed vessels on the lakes, as would have commanded them; we have more interest in them, than the British nation, and can build vessels with more convenience.”

The whole of this letter is recited in my defence, which has been published, and it is certified to be correct by the department of war.

After my appointment as a Brigadier General in the army, and before I left Washington to take the command of the north western army, I presented to the administration a letter containing distinctly my views, with respect to the destination, and operations of the forces placed under my orders, both in time of peace with Great Britain, and likewise in the event of war with that nation

The circumstances of this communication, with the documents in proof of them, are fully related in my defence before the Court Martial, from page 33, to page 38, inclusive. In this letter I repeated the opinions, I had before given, that the force entrusted to my command, in time of peace with England, was sufficient for the protection of the northern frontier against the

savages; and likewise, that Detroit, or a position on that river, or the west end of Lake Erie, was a suitable station for that object; and for this obvious reason, that all the necessary supplies could be easily furnished through the communication of the lake. But in the event of war, I stated in the most explicit and strongest terms the necessity of having a naval force, superiour to the enemy on the lakes;—and that without it, and unless the army I was to command, was strengthened by additions to its numbers; and unless it was followed by detachments, to keep open the communication, and insure it supplies from Ohio; and unless it was supported by co-operations from other quarters, it could not be able to maintain itself at Detroit, much less carry on offensive operations in the enemy's country.

That I wished it farther clearly to be understood by the government, that in the event of war with England, I did not consider this force in any degree adequate, either to the invasion of Upper Canada, or for the defence of our own territories. That it was formed almost entirely of militia, undisciplined, and who had never seen any service. I then described the situation of the country, and observed, that it would be difficult, if not impossible, to send a force, which would be sufficient, either for invasion or even defence, in the event of war without the privilege of a communication through Lake Erie. That as soon as a declaration of war should be made, that communication would be entirely obstructed. That in accepting the command, and leading an army through that wilderness, it was under the full expectation that war would not be declared, until such a naval force was provided, as would preserve that communication. It was farther stated that from the conversation I had with the President of the U. S. and the Secretary of the Navy, from the circumstance of a navy agent having been appointed on Lake Erie, and Capt. Stewart, of the navy, having been ordered to Washington, for the express purpose of giving him the command on the lakes, I had the fullest confidence, that before a declaration of war was made, measures would be taken for the security of that communication. That under these circumstances, I believed the government would consider it a measure, dictated by true policy, and indeed indispensably necessary—as it was not at that time accomplished, and as every thing is uncertain, until it is carried into effect, and as I knew I was to be

placed in a most critical situation, I observed. if the government should adopt a different policy, and declare war, leaving to the British the command of the lakes, it would become indispensably necessary, as the next best measure, immediately on its declaration to make an invasion of Upper Canada, by crossing the Niagara River, with a large army, sufficient to take possession of the whole province, and likewise with large detachments, to reinforce the army I commanded, in such a manner, as to preserve the communication by land to the state of Ohio. By this means the army at Detroit, might co-operate with the main army, which crossed the Niagara River, and the whole province be subdued. In such an event, the British naval force on Lake Erie, would fall into our possession, as it would have no harbours, and no means of being furnished with necessary supplies.

That, if in the event of war, a naval force should not be provided, or an invasion of Canada should not be made, in the manner I have stated, by an army from Niagara, the army I commanded would be led into a situation, from which there would be no escape, and that whole country, with all our military posts, would fall into the hands of the enemy. That his regular force, militia, and savages, with the facilities of the water communication, for rapid movements, and the transportation of necessary supplies, would be fully equal to effect this object.

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## No. VI.

In my former number I have mentioned, that from a conversation I had with the President of the United States, and the Secretary of the Navy; from the circumstance of a Navy Agent having been appointed on Lake Erie. and Commodore Stewart of the Navy, having been ordered to Washington, for the express purpose of giving him the command on the lakes, I had the fullest reason to believe, that before a declaration of War, was made, measures would have been taken for the security of that communication.

That there may be no question with respect to these facts, I will now state the evidence on which they are founded. Commodore Stewart, in his testimony, on my trial before the Court

Martial, declared, that he received an order from the Secretary of the Navy to repair to Washington, as it was contemplated by the Government, to trust him with an important command ; that in compliance with the order, he arrived in Washington in the beginning of April, and at his first interview with the Secretary, he was informed that it was contemplated to give him the command on the lakes ; that the Secretary observed, that a naval force superiour to the British, on the lakes, had been strongly urged by General Hull, as essential, and as a certain means of ensuring success to the army. He then goes on to state why he declined the command, &c.

General Peter B. Porter, in his testimony on my trial, said, about the last of March, or beginning of April, 1812, he was at the office of the Secretary of War, with General Hull, after he had been appointed a Brigadier General, and about the time he was to march to Detroit ; that he was frequently with the Heads of Departments, and had conversations, as to the operations of the army, in case war should be declared, as was in contemplation. He said he recollected that General Hull, recommended that a navy should be formed on the lakes, to have a superiority over the British in case of war. General Porter further states, that a Navy Agent was appointed for lake Erie, and he was twice at the President's, with the General, when the subject was talked over.

From the evidence contained in this and the foregoing letters, I feel a confidence that every candid reader will be satisfied, that when I accepted the command of the Ohio militia, and the 4th regiment, the motive by which I was influenced was for the protection of the northern frontiers, and particularly the Territory of Michigan, of which I was Governour, against the savages ; and that I had not the most distant idea, in the event of war, with that force, of making an invasion of Upper Canada, while the enemy commanded the lakes, and while no army was provided, with which I might co-operate. Before I proceed to a relation of the march through the wilderness, and of the operations of the army after I took the command, I shall present and consider one other document, which appears to me singular in its nature, and very important, on account of the high authority from whence it is derived.

## No. VII.

THE singular, and important document, to which I alluded in my former letter, is the Message of the President of the United States to Congress, after the termination of the campaign, of which in my future letters, it is my intention to give you the history. Although this is not in the order of time, with the subjects, which have been considered, yet as it gives information of the motives of the government, with respect to the objects of my command, and has a strong bearing on the considerations, which I have already presented, it appears to be the proper place for its introduction.

In this Message, it is stated, "That the force sent to Detroit, was with a general view to the security of the Michigan Territory; and in the event of war, to such operations in the uppermost Canada, as would intercept the hostile influence of Great Britain over the savages; obtain the command of the lakes on which that part of Canada borders; and maintain co-operating relations with such forces as might be most conveniently employed against other parts. Our expectation of gaining the command of the lake, by the invasion of Canada, from Detroit, having been disappointed, measures were instantly taken to provide on them a naval force superiour to that of the enemy."

From this message, it appears, there were four objects for which the forces were sent to Detroit under my command.

1. With a general view to the security of the Michigan Territory.
2. In the event of war, to make such operations in uppermost Canada, as would intercept the hostile influence of Great Britain over the savages.
3. To obtain the command of the lake, on which that part of Canada borders.
4. To co-operate with other forces in that quarter.

The first object declared by the President, is what I have stated, the security of the Michigan Territory against the Indians, as we then had no other enemy.

Being at that time the Governour of the territory, it is natural to suppose, under the circumstances which existed with respect to the savages, that I felt a strong solicitude for its safety. It was indeed that motive alone, which induced me to accept the command. The troops being composed principally of undisci-



plined militia, and without artillery. is conclusive evidence, that, it was not an army designed for invasion and conquest.

Indeed, it was a time of peace, and there was no danger from any other quarter than from the lawless savages. No power but Congress had an authority to declare war, and the President had no power to order a militia force for any other purpose than the safety of the country, in the manner which has been mentioned. That I had no reason to expect there was any other object than the security of the territory, is evident, from every communication I made to the government, both previously to, and after accepting the command. In the event of war, it was perfectly understood to be my opinion, that the command of the lakes was not only essential for a successful invasion of the enemy's country but for the very existence of the army I commanded.

In the next place, the President informed Congress, that in the event of war it was expected the forces under my command would make such operations in uppermost Canada. as would intercept the hostile influence of Great Britain over the savages. It was perfectly understood, in the event of war, that the savages who resided in our territory were not to be employed. In that event I was directed to advise them to remain quiet at their villages, and take no part in a contest in which they had no interest, and to assure them of protection and safety. This was humane, and, had it been practicable, would have been wise policy. For a number of years, I had not only been Governour of the territory of Michigan, but superintendant of Indian affairs. The duties of this office rendered a constant intercourse with them necessary. I had become acquainted with their habits, and their ruling passions. From the knowledge which my situation had thus enabled me to acquire of their characters, I well knew that as soon as the trumpet of war was sounded, they would not follow this pacific advice, and remain indifferent spectators. By the documents which I have presented, and to which I have referred in these numbers, it will be manifest, that I repeatedly, and in the most explicit terms, gave this opinion to the government. Notwithstanding this opinion, I did every thing in my power, in conformity to my instructions. to induce them to remain neutral. Before and after the declaration of war, I sent messages, with interpreters to the different villages,

explaining the views of the government, and enforcing them with all the reasons, I was capable of suggesting. I likewise collected the chiefs in council, repeated the views of the government, and urged them to restrain their warriors, and induce them to follow the advice of their great Father, the President of the United States. This was all I was authorized to do.

Many who joined the British standard would have joined ours if the government would have accepted their services.

There was no probability of preventing an intercourse between them and the British agents.—Upper Canada is separated from the United States only by an imaginary line, running through the lakes and rivers, several hundred miles, and the principal part of the distance on the shores a wilderness. It was well known to the government that the British had a constant intercourse with those who resided in our territory, ever since it became a part of the United States; that at an immense expense, they furnished them with presents, consisting of arms, ammunition, and clothing, and considered them as their allies and friends.

To have guarded this immense wilderness, and prevented the hostile influence of the British, was impossible with the army I commanded.

In my next number I shall consider the other objects for which the President informed Congress, the forces were sent to Detroit, under my command.

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## No. VIII.

THE next object of my command, as stated by the President, was, "To obtain the command of the lake on which that part of Canada borders."

By this description the President must have meant lake Erie. There are two important facts so well known, that it is unnecessary to produce any evidence to prove them. One is, that in the year 1812, when war was declared, Great Britain had four or five vessels of war on this lake, some of them carrying twenty cannon, besides a number of gun-boats, all completely armed and manned. The other is, that the United States had not a single armed vessel, not even a gun-boat or canoe. It was not even

intimated to me, in any instruction that I received from the government, that this was one of the objects of my command. The first knowledge I ever had of it, was contained in this message to Congress.

I cannot to the present moment conceive, notwithstanding the high authority, and the solemn manner in which it was communicated, on what grounds such an expectation was founded. It certainly must have been impossible to have obtained the command of the lake, without in some way destroying the British naval force, which was established on it. *In what possible way could the Ohio militia have effected this object?*

Before I left Washington, it will be seen how repeatedly and earnestly I recommended the necessity of constructing a navy on this lake, superiour to that of the enemy, in the event of war. If that object should be abandoned, and the government should not think proper to listen to this advice, I then suggested, as the next most expedient measure, immediately on the declaration of war, to invade Upper Canada, with a powerful army, by crossing the Niagara river, with which the troops I commanded might co-operate, and by this means take possession of the whole province.

Thus being in the possession of all the harbours on the lake, the navy would be obliged to surrender for the want of necessary supplies. This measure not being adopted, and not even an armed boat of any description being provided on the lake, I repeat the question, on what grounds could this expectation have been formed? That the President was serious in making this communication, and at length was satisfied that the opinion I had so often given was correct, clearly appears; for in the next paragraph of the message he says, "Our expectation of gaining the command of the lake, by the invasion of Canada from Detroit, having been disappointed, measures were instantly taken to provide a naval force superiour to that of the enemy!"

I do think this subject is so plain, that no further commentaries on it are necessary; and that no blame can attach to me for not fulfilling what Mr. Madison, then President, says was the expectation of the government, viz. taking possession of lake Erie, with no other force than a few Ohio militia. when that lake was commanded by a naval armament, such as I have described.

## No. IX.

IN addition to all the other evidence, that it was neither the expectation of the government nor my expectation, that the forces sent to Detroit under my command were sufficient for the invasion of Canada, I here present the declaration of the President, in his message to Congress, to which I have referred; *that they were sent, in the event of war, to co-operate with other forces in that quarter.*

This appears to be conclusive evidence, that in the event of war, the government did not consider the forces under my command sufficient for this object.

The President, in this message, did not describe the nature of the forces nor the manner they were to be employed. The reason undoubtedly was, that none of any description were employed. From the urgency of such provision, however, and the arrangements which have since been made, for the construction of a navy on Lake Erie, and for the organization of an army it must be evident, that he referred to a naval force on that lake and a powerful army on the eastern border of Upper Canada, which he has since become convinced, it was indispensable to provide, to co-operate with the army at Detroit, as the only means to a successful invasion of Canada.

Had such a navy been prepared, and such an army been employed in the manner I have stated, there is no question but the conquest of that province would have easily been effected during that campaign. Had, indeed, either of these measures been carried into effect, the results of our military operations would, in all probability, have been successful and prosperous.

Before I left Washington, to take command of the forces, as I have before observed, a navy agent had been appointed on the lake, and a distinguished naval officer had been ordered to repair to the government, to receive his instructions, with respect to what was considered an important command on the lakes. Every member of the administration appeared to be impressed with the necessity of securing that communication, in the event of war; General Dearborn, the senior officer of the army, was at Washington, assisting in organizing a large army, to be ready for service, should a declaration of war become necessary. Besides the assurances I received from the administration it resulted from our relative situation, and the nature of things, that in

the event of war, the invasion of Canada would be the first object. For what other purpose could so large an army have been provided? There was no other British territory within our reach, and no other British forces in a situation that we could approach. Besides, by the conquest of Upper Canada, we should have had the controul of the Indians, and perfect security would have been given to our extensive and exposed frontiers, and have prevented the miseries of savage barbarity. As these memoirs are written, merely for the purpose that the truth may be known, I shall make no apology, either for prolixity or repetition. I shall not, therefore, hesitate to repeat, that from the documents and circumstances which have been produced, the following facts have been fully substantiated :—

That in April, 1812, when I accepted the command of the forces destined for Detroit, it was understood, both by the government and myself, that, it being a time of peace, these forces were designed to protect the northern frontier against the depredations of the savages, and particularly the territory of Michigan, of which I was Governour; and in the event of war, to have co-operated with both naval and land forces in the invasion of Upper Canada.

In the future numbers, I shall give an account of the operations of the army, after I took the command; how I was disappointed in my expectations; and how cruelly, both the army and myself have been sacrificed by the government, and General Dearborn, the commanding General.

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## No. X.

In leaving Washington, in April, 1812, to take the command of the forces, assembled in the state of Ohio, I felt a very deep interest in the object of my mission. The consideration that I was clothed with the authority, and furnished with the means of affording safety and security to the frontier inhabitants of the country; and particularly to those of the territory of Michigan, of which I was governour, was soothing to my feelings, and animating to my exertions. Although about thirty years had then elapsed, since my sword had laid useless in its scabbard, and time had necessarily enfeebled my strength and constitution, yet

it was impossible for me to see a country, in which, from my situation, I was so particularly interested, exposed to the fury of the savages, without raising an arm for its safety. Convinced that the forces entrusted to my command were sufficient for the protection of the frontier settlements, and the security of the territory while we were at peace with Great Britain; and knowing that I had communicated what measures in my opinion, would be indispensably necessary in the event of war, which communications had been received as official documents, and approved by the government, and feeling a generous confidence in the justice and honour of the administration, I had little anxiety with respect to any consequences which might have attended my command.

If it were to be my fortune to protect the defenceless inhabitants of our country, against the cruelty of savages, and prosperity was to attend the exertions of the army, the satisfaction of having promoted the cause of humanity, would have been an ample reward. But if, after honestly discharging my duty, in the best manner I was capable, misfortune was to be my lot, I believed that a generous government, and a generous people would at least have shielded me from censure and reproach. At that time, indeed, I considered there was little or no hazard. It was a time of peace, with England, and while that remained, there was no danger excepting from the savages. Some excitement then existed, through the influence of the British Agents, in preparing them for events which they anticipated might take place.

In the event of war I considered that such arrangements would have been made, as would have enabled the army I commanded to have operated with success against the enemy. As the government continued me in the command of the north western army, after the declaration of war, I had a right to believe, that such measures would have been adopted, as I had stated, were deemed by me, essential to success. The measures to which I alluded in the event of war, I have mentioned were a navy on lake Erie, sufficient to preserve that communication, and an army of sufficient strength, in co-operation with the one I commanded, to make a conquest of Upper Canada. In all these communications, I gave it as my opinion, that unless we had the benefit of this co-operation, the posts of Detroit, Michil-

limackinack, and Chicago, would inevitably fall into the hands of the enemy.

How I was disappointed in my expectations ; how I was deceived by the government ; how, after the declaration of war, I was ordered into a situation, which it was impossible for me to sustain, and from which there was no retreat ; how the officers of the administration shamefully neglected to redeem the pledge they had given me ; and how General Dearborn the senior officer of the army, and afterwards the President of the Court Martial, neglected every duty, incident to his command, and adopted measures, which proved the inevitable destruction of the army I commanded, will be the subjects of my future numbers.

Before, however, I close this, I will make one further observation. If, after the declaration of war, the President and other officers of the administration, who directed the military operations, had changed their opinions, and believed that twelve hundred Ohio militia, and three hundred regular troops, were sufficient without any naval force, to have taken possession of lake Erie, and without any reinforcements, and without any other army, with which they might have co-operated, to have invaded and conquered the province of Upper Canada, they ought to have appointed an officer to that command, *of the same opinions*, and not to have made *one* responsible, who had repeatedly, decidedly, and in an official manner, declared, that in the event of war, without the command of the lake, and without a powerful army for co-operation, the most disastrous consequences would inevitably follow.

That these consequences did follow, in the manner I had predicted, is well known, and that under the circumstances, it was not possible for me to have prevented them ; and that they were occasioned by the neglect of the government, and the misconduct of General Dearborn will appear manifest, from the future statements I shall make, and the documents and other evidence I shall produce.

By the documents and evidence which have already been shown, the objects of the government in detaching the forces entrusted to my command, must be distinctly understood. I have produced my communications to the government explanatory of my own views : and I likewise have exhibited the Message of the President, who was at the head of the administration, to prove the views of the government. In my communications,

both before and after I was appointed, and accepted the command of these forces, I stated distinctly my views, that in time of peace with Great Britain, the forces were competent to the protection of the frontiers of our country against the savages; but in the event of war without the co-operation of a naval force on Lake Erie, and without the co-operation of an army from Niagara, they were not competent to the invasion of Canada, and not adequate to the protection of that part of our territory.

And it further appears, by the President's Message, that the forces were sent to Detroit with a view to the security of the Michigan territory against the Indians in time of peace, and in the event of war to intercept the hostile influence of the British over the savages; to obtain the command of the lake on which that part of Canada borders; and to co-operate with other forces in that quarter.

Upper Canada borders on lake Erie and the navigable lakes and rivers more than four hundred miles, and, on what grounds the expectation of the administration were founded, that with the forces I commanded I should be able to take the command of the lake, when commanded by a strong naval force of the enemy; and without any co-operation of any other forces, from any quarter, are questions which will be hereafter considered. This subject I wish distinctly to be understood, and I must be excused if I make use of repetition, in the explanation of it.

I have offered these documents to shew the grounds I had to expect the co-operation of other forces; and, that the administration became convinced that a naval force was necessary, and one was immediately ordered, as soon as it was found that the possession of the lake could not be obtained by the *militia* under my command.

By lessons of experience, since that period, we have been taught how important the command of those waters are to successful operations against the country.

General Harrison, with a force vastly superiour to the one I commanded, was not able, after more than a year, to approach within fifty miles of Malden, with the assistance of a large force at Niagara to co-operate with him; and was not able to make any impression on the country, until after the command of the lake was obtained, by Commodore Perry's glorious naval victory. As soon as that was obtained, the enemy immediately



abandoned Malden, and the army took possession of the country. The territory situated on these navigable waters is so insulated, that, the power which commands them will necessarily command the country.

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## No. XI.

On the 10th of May, I arrived at Cincinnati, in the state of Ohio. Here I met Governour Meigs, who had made great exertions in collecting the 1200 militia, which had been ordered by the President—Their place of rendezvous was Dayton. Although the officers and soldiers appeared to be animated with zeal, yet in reviewing them, and inspecting their equipments, they were found without discipline, and destitute of arms and clothing, necessary for military operations. Their arms were totally unfit for use, the leather which covered their cartouch boxes was rotten and no better security to the cartridges than brown paper; many of the men were destitute of blankets, and other necessary clothing; no armourers were provided to repair the arms; no means had been adopted to furnish clothing; no public stores to resort to, either for good arms, or suitable clothing; and no powder in any of the magazines, fit for use—and what is more extraordinary, no contract, or any measures adopted, to supply these troops with the necessary article of provisions, during their march through a wilderness of more than two hundred miles, until they arrived at Detroit, the place of their destination. On my own responsibility, I sent to powder mills in Kentucky, and purchased powder, collected a few blankets, and other necessary articles of clothing from the inhabitants of Ohio, and employed private armourers, at Cincinnati, and Dayton, to repair the arms, &c.

These facts have been stated, to shew the neglect of the government in equipping and providing for these troops, which in their situation could not be considered as a force adequate to offensive operations, and to the conquest of Canada.

After the junction of the 4th United States regiment, which consisted of 300 effective men, with the 1200 militia at Urbanna, I commenced the march, early in June from that place, a fron-

tier town in the state of Ohio, for Detroit, the distance of more than two hundred miles.

After the disposition was made for the march, I was informed that a part of the militia, refused to obey the order.

In the first place, I directed their own officers, to give them positive orders to march, and inform them, if they did not obey, the 4th United States regiment would be sent to compel them. They still refused, and a part of the 4th regiment was marched to their station, and they obeyed. This fact is proved by the testimony of Col. Miller of that regiment, and I have stated it, to shew, when I first took the command of these troops, the want of discipline, and the mutinous spirit which prevailed,—and that the authority of their officers, was not sufficient to command their obedience, and that nothing but the bayonets of the 4th regiment could have the effect.

It is not necessary to describe the labours and fatigues, of the army in the march. It is sufficient to know, that the country was a wilderness, and the difficulties in marching an army through it will be apparent. It is, however, a justice due to the officers and soldiers to say, that all the labours of opening a road, building bridges and causeways, and indeed all the fatigues, incident to such a march, were borne with patience, and every possible exertion was made to effect the object of the march. On the rout the army built four blockhouses, which were garrisoned by the invalids, who were unable to accompany the army. The object in building these blockhouses, was the convenience of re-enforcements, and the security of convoys.

On the 2d day of July, I received a letter from the secretary of war, dated the 18th of June, informing me of the declaration of war. It was in these words—"Sir, war is declared against Great Britain. You will be on your guard, proceed to your post with all possible expedition, make such arrangements for the defence of the country, as in your judgment may be necessary, and wait for further orders."

The day before this letter was received, the quarter-master, had been directed to hire a small vessel, at the foot of the Rapids of the Miami, to transport the invalids, and the baggage, &c. not wanted on the march to Detroit. The horses being worn down on the march, rendered this measure, in my opinion, expedient. At this time I had received no information of the declaration of

war, and did not consider, there was any hazard in the measure. On the 24th of June, I received a letter from the war department, dated in the morning of the 18th June, directing me to march to Detroit, with all possible expedition. In that letter, not one word was said respecting a declaration of war. The British garrison, at Malden having a number of days before received the information, this vessel was taken in passing that fortress. The court martial could not find any ground to censure me for employing that vessel, as I had no information of the declaration of war, and was *obliged* to acquit me of the charge growing out of that event. The circumstances of this transaction, are particularly related in my defence.

Thus it appears, that I did not receive information of the war, until fourteen days after it was declared, that the British garrison had official knowledge of it four or five days sooner, that it is proved to a demonstration, that I might have received it eight days earlier, as I actually did receive a letter from the secretary of war, on the 24th of June, dated on the same day (*viz.*) the 18th of June, in the morning, which gave no information of the declaration of war.

The person who brought me this letter announcing the war, informed me he was employed by the post master of Cleveland, in the state of Ohio, and that it was brought in the mail, to that post office. In time of peace with England, there could have been but one opinion, with respect to engaging this vessel, in the manner it was employed. Having no information of the declaration of war, I must necessarily have believed, it was a time of peace, and consequently no blame could be attached to me. This was the opinion of the court martial.

It, after a knowledge of the war, I had sent this unarmed vessel to Detroit, with the sick of the army, the medical stores, intrenching tools, &c. knowing she must pass the British fortress at Amherstburg, it would have been treason, for which I ought to have been punished. The following is the opinion of the court martial on this subject—"The evidence on the subject having been publicly given, the court deem it proper, in justice to the accused, to say, that they do not believe, from any thing which has appeared before them, that Brigadier General William Hull has committed treason against the United States."

It appears then by the opinion of the court, founded on the testimony of the witnesses, in behalf of the prosecution, that in this respect, there was no fault on my part. But here was a serious public disaster, the first which had happened to the army I commanded, and occasioned by the fault or neglect of some officer of the government, whose duty it was to give me the earliest possible information of the war. It was well known to the government, that I was in a wilderness, filled with hostile savages, and approaching a British garrison, that a previous knowledge of the war, would have given the enemy the greatest possible advantage, in the situation I was placed. It is impossible that stronger reasons could have existed, to render it necessary, that I should have received the earliest information of the war. What measures were taken to give me this information? A letter was put into the post-office, and sent a circuitous rout to Cleveland in the state of Ohio, and the post-master at that place was requested to send it through a wilderness of about an hundred miles, to me. This letter, announcing this important event, was travelling fourteen days before it reached me, when I had received one in six days from Washington, dated on the same day. Who then, I seriously ask, was in fault? If I had received information of the war, as early as the government might have communicated it to me, this vessel would not have been employed, and this misfortune would not have happened. Every effort was attempted to make me the guilty cause in the prosecution, but without success. Could treason have been proved by the opinions of witnesses, the case would undoubtedly have been different; but that would have been too great an outrage on established principles. *Opinions*, however, were reserved for another charge against me, which will be considered in the course of these memoirs.

On this subject, I am sure you will acquit me of all censure, and place the fault at the door of the administration by whose neglect, the disaster was occasioned.

I ask you, fellow citizens, what must have been my feelings, as the commanding officer of that army, when I found that the enemy had received information of the declaration of war, a number of days before it had been communicated to me. Especially, as Malden was about sixty miles farther from Washington, than my situation at the time it was received. Had I not

as much cause to declare, there was treason at Washington, as the administration had to declare there was treason in my camp?

There was no act which I committed, and no duty which I omitted, which could create the least foundation for the charge. The administration had omitted giving me the earliest information of the declaration of war, which had been attended with the most serious consequences to the army. I have been the more particular on this subject, on account of the injustice and cruelty of the government, in charging me with treason, for an unfortunate event, which was caused by its own neglect.

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## No. XII.

It will be perceived, that the letter which I received from the Secretary of the department of war, on the morning of the 2d of July 1812, which is transcribed in the former number, contained a positive order to march the army to Detroit, and there wait for further orders. This order being positive, no other alternative remained, but obedience. In reflecting on the subject, the following considerations forced themselves on my mind. I had given it as my opinion, that while we were at peace with Great Britain, Detroit would be a suitable situation for forces, designed to protect that territory, and the northern frontier against the savages, and for this obvious reason, that they could receive all necessary supplies by the communication of the lake. But in the event of war with Great Britain, I had officially stated, that without a navy on Lake Erie, that communication would be entirely closed against us. I had likewise stated in that event, the difficulty, if not the impossibility of obtaining the necessary supplies in any other way.

Indeed it must be apparent to all who have any knowledge of the geography of the country, that there would be no other mode of obtaining supplies, but from the settled parts of the state of Ohio, through the wilderness which I had passed, and was passing, of more than two hundred miles, and filled with hostile savages. When the important event of the declaration of war against Great Britain was announced, I received no assurances from the Government, that any preparation was made

to preserve the communication of the lake. I received no assurances that any re-enforcements were in readiness, to make such establishments on the road I had opened through the wilderness, as would give security to convoys, from the state of Ohio. I received no assurances, that any army was prepared to co-operate with the forces I commanded, in making offensive operations. At that moment, I anticipated what must be the fate of my army, unless the measures I have stated, were adopted.

Notwithstanding these reflections, I knew the first duty of a soldier was to obey orders; and in obedience to them, I marched the army to Detroit with all possible expedition.

In passing a large Indian village, the residence of the Wyondots, nearly opposite the British fort at Malden, and only separated from my rout by the Detroit river, it was the intention of the British commanding officer, to have crossed the river and attacked the army on its march through a hideous swamp, which we entered after passing this Indian village. At this time, having been informed of the war, a large body of the militia of Upper Canada, had re-enforced the British garrison, and all the surrounding tribes of Indians had been invited to join its standard. Every preparation was made for it, on the morning of the 5th of July. It was only prevented by a communication the night before, which I caused to be made, by a confidential inhabitant of Malden, then in my camp, to a friend of his who resided in Malden, and was in the confidence of the commanding officer. The information communicated was, that it was not the intention of the army to march to Detroit, that all the boats had been collected on the west side of the river, that cannon had been sent for, from Detroit, and that my intention was to cross the river, and attack the fort. This information was immediately communicated to the commanding officer, which induced him to abandon the enterprize, and concentrate all his forces for the defence of the fort. This manœuvre I deemed necessary, as the forces I commanded had been about a month in the wilderness, on the hardest fatigue, opening a road and not in a situation for discipline, or preparation for action. Besides the ground was well calculated for Indian warfare, and we had no field artillery to oppose to that of the enemy, which

might easily have been transported across the river. By this stratagem the troops passed this fortress without annoyance, and that evening arrived at Detroit. After a march of so much hardship and fatigue, I thought it was my duty to permit both officers and soldiers to rest from their labours for a few days. The time was however employed in washing their clothes; cleaning and repairing their arms. All the armourers at Detroit were engaged, assisting in this necessary work. The enemy were directly opposite at this time, erecting fortifications on the bank of the river. An impatience was excited, and a strong wish manifested among both officers and men, to cross the river and commence offensive operations. In consequence of this, I called a council of war, consisting of the field officers, and communicated to them the instructions I had received from the government, "that I was to march with all possible expedition to Detroit and there wait for further orders." I informed them that I did not consider myself authorized by those instructions to invade the enemy's territory, and I wished them to give such explanations, as would allay the impatience which had been excited. Notwithstanding this communication, the officers gave it as their opinion, that it was expedient immediately to cross and take possession of the opposite bank. I then informed them, as long as I commanded that army, I should obey the orders of the Government. The circumstances of this Council, are proved by the testimony of Colonel Cass, who was a member of it, and are only stated, to shew the temper and inexperience of my officers, and the difficulty of my command. This was but four days after the arrival of the army at Detroit. On the evening of the 9th, after the council was dismissed, I received a letter from the Secretary of the department of war, authorizing me to commence offensive operations. This letter is of so much importance that I shall here recite the part of it, which relates to offensive operations.

*War Department, June 24th, 1812.*

SIR,

By my letter of the 18th inst. you were informed that war was declared against Great Britain. Herewith enclosed, you will receive a copy of the act, and of the President's proclamation, and you are authorized to commence offensive operations accordingly.

Should the force under your command be equal to the enterprise, consistent with the safety of your own posts, you will take possession of Malden, and extend your conquests as circumstances may justify.

(Signed)

WILLIAM EUSTIS.

On the same evening this letter was received, the following answer was given.

*Detroit, 9th July, 1812.*

SIR,

I have received your letter of the 24th of June. The army under my command arrived here on the 5th of July inst. Every effort has been and is still making, by the British to collect the Indians under their standard. They have a large number. I am preparing boats, and shall pass the river in a few days. The British have established a post, directly opposite this place.—I have confidence in dislodging him, and being in possession of the opposite bank. I have little time to write: every thing will be done that is possible to do.

The British command the water and the savages.

I do not think the force here equal to the reduction of Amherstburg (meaning the fort at Malden;) you therefore must not be too sanguine.

(Signed)

WILLIAM HULL.

HON. WM. EUSTIS.

By the letter which has just been recited from the Secretary of War, of the 24th of June, and received by me at Detroit, the 9th of July, I was authorized,

1st. To commence offensive operations.

2d. Should the force under my command be equal to the enterprise, consistent with the safety of our own posts, I was to take possession of Malden, and extend my conquests, as circumstances might justify.

As soon as I received this letter I determined to cross the river, and take possession of the bank opposite Detroit. For this purpose, all the boats and canoes belonging to the inhabitants were collected and repaired. There were none belonging to the public. On the 11th of July a sufficient number had been collected to carry over about four hundred men. As the enemy was in considerable force on the opposite bank, and as I could not carry over more than four hundred men at once, I thought



it expedient to draw off his attention, as much as possible, from the point where it was my intention to cross. This point was at Bloody Bridge, about a mile and a half above Detroit. For this purpose I ordered all the boats on the 11th, towards evening, to pass down the river, in sight of the enemy, and to continue below the town until dark, and then silently to return to the station at Bloody Bridge. This movement had the desired effect. The enemy retreated in the night below Sandwich, and at day-light in the morning of the 12th, the army passed the river, and landed without any opposition.

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### No. XIII.

As the letter of the Secretary of the department of war of the 24th of June, authorized me to commence offensive operations, and gives assurances, in behalf of the government, to the inhabitants of Canada, of protection, in their persons, property, and rights ; I shall now state the reasons, which induced me to make the invasion, and issue the proclamation, when the army landed on the Canada shore.

The authority given to commence offensive operations, was absolute. There was no qualifications.—Nothing was left to my discretion. The intention of this order is very clearly explained, by another order contained in the same letter.

“Should the force under my command be equal to the enterprise, consistent with the safety of our other posts, I was ordered to take possession of Malden. &c ” In this case, the authority was not absolute, but the measure was left to my discretion. If, therefore, I had not commenced offensive operations, the expectations of the government would have been disappointed.

Situated, however, as this army was, there were other very strong reasons for the measure. The enemy were erecting fortifications on the opposite bank, directly opposite to the town of Detroit. This bank is a little more elevated, than the one on the American side of the river. Had the enemy, therefore, been permitted to have finished the fortifications, and armed them with cannon, the town of Detroit would have been greatly annoyed, and the situation of the army made uncomfortable. To dislodge the enemy from this position, I thought both ex-

pedient and necessary. The possession of both banks, would give us the command of the river, and prevent the enemy from sending supplies to the garrisons on Lake Huron.

There were other objects, under the circumstances I was placed, which rendered the measure expedient. The delay of only one or two days, in collecting and repairing the boats, and in making the necessary preparations increased the impatience, which had been before manifested and it arose almost to mutiny. This spirit was fostered, and inflamed generally by the officers of the militia; what the motives were, whether they were an expectation of plunder, I will not pretend to say. With many of them, however, they proved to be an unsteady, wayward spirit; as about two hundred of them refused to accompany the army, alledging as a reason, that by law, and by their engagements, they were not obliged to march out of the U. States.

Another object, which I considered of great importance, was, to preserve the neutrality of the inhabitants of Upper Canada, and the savages, and to prevent them from joining the British standard.

I confidently hoped, when the inhabitants beheld the American forces in the possession of their country, and in a situation to afford them protection, it would be a strong inducement to them to remain quietly at their homes, and take no part in the war.

I believed, when the Indians discovered the American standard erected on both sides of the river, it would have a favourable effect, and induce them to return to their villages, and take no part in a war, in which they had no interest. At this time there was no information that Michillimackinack had fallen, and there were some grounds, that these expectations would be realized.

There was another reason, which most powerfully urged me to take possession of the enemy's country. It was to draw from it provisions and forage for the support of my army, and to intercept, as far as possible, the supplies from the river Le Trench, to the British garrison at Malden. In the course of these memoirs, I shall exhibit the small quantities of provisions, which were at Detroit, the 5th of July, on my arrival, that none arrived afterwards, that in the Territory of Michigan, there was not a sufficiency for the inhabitants, and that the whole stock

would have been exhausted, long before the capitulation, had not an additional supply been obtained from the inhabitants of Canada. The supply indeed was small, but it had a double operation; as it increased our stock and diminished that of the enemy. It was taken principally from mills on the river Le Trench, where it had been prepared for the garrison at Malden. I have stated these reasons, for the invasion of Canada, not that the government made it one of the articles of charges against me. This indeed, could not have been done, because it was by its own order; but I have done it to satisfy some of my fellow citizens of its expediency, who have attached blame to me for the measure, under the circumstances, in which I was placed. Had it not been done by the orders of the government, there is no doubt it would have been one of the first charges against me, for which I should have been condemned.

These are the reasons, which induced me to commence offensive operations, and not with a view to storm the British fort at Malden, with undisciplined and mutinous militia. My letter to the Secretary of War, which has been recited, is conclusive evidence on this subject, I repeat the words. "The British command the water and the savages; I do not think the force here equal to the reduction of Amherstburg, (the fort at Malden,) you therefore must not be too sanguine."

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## No. XIV.

On the subject of the number which I shall now present to you, I feel more interest than on any other which has been or will be discussed. It is the proclamation which I issued to the inhabitants of Canada. This was not made an article of charge against me, because it would have re-acted on the administration. By the letter of the Secretary of War, of the 24th June, and which was received before the proclamation was issued, I was authorized, when I commenced offensive operations, to give assurances of protection to the inhabitants, in their persons, property, and rights. This was the foundation of the proclamation, and the substance of it was authorized in this letter, and the other parts of it contained reasons to induce the inhabitants not to take any part in the contest. I shall endeavour to

give it a fair and candid explanation, and state the motives which induced me to issue it in the form it appeared. Whatever opinion you may form of it—whether it meets with your approbation or disapprobation—I pledge myself to produce authentic testimony, that as soon as it was published, it was sent to the government, approved by the government, and consequently became the act of the government; and that, in publishing it, I was influenced by pure and honourable motives.

I feel the more solicitude on this subject, because, many honourable men, who have approved of my conduct generally, during that campaign, have not been satisfied with every part of the proclamation. As many of you, perhaps, have not had an opportunity of seeing it, I shall here transcribe the whole of it; after which, I shall give such explanations as in my opinion the text will justify.

*By WILLIAM HULL, Governour of the Territory of Michigan,  
and Commanding the North Western Army.*

## A PROCLAMATION.

### INHABITANTS OF CANADA,

After thirty years of peace and prosperity, the United States have been driven to arms. The injuries and aggressions, the insults and indignities of Great Britain have once more left them no alternative but manly resistance or unconditional submission. The army under my command has invaded your country; the standard of the Union now waves over the territory of Canada. To the peaceable, unoffending inhabitants, it brings neither danger nor difficulty. I come to find enemies, not to make them. I come to protect, not to injure you.

Separated by an immense ocean and an extensive wilderness from Great Britain, you have no participation in her councils, no interest in her conduct. You have *felt her tyranny*, you have *seen her injustice*. But I do not ask you to avenge the one or redress the other. The United States are sufficiently powerful to afford every security consistent with their rights and your expectations. I tender to you the invaluable blessings of civil, political, and religious liberty, and their necessary result; individual and general prosperity: that liberty which gave decision to our councils and energy to our conduct, in a struggle for independence, which conducted us safely and triumphantly through the stormy period of the revolution—that liberty which

raised us to an elevated rank among the nations of the world; and which afforded a greater measure of peace and security, of wealth and improvement, than ever fell to the lot of any people.

In the name of my country, and the authority of government, I promise you protection, to your persons, property, and rights. Remain at your homes, pursue your peaceful and customary avocations; raise not your hands against your brethren. Many of your fathers fought for the freedom and independence we now enjoy. Being children, therefore, of the same family with us, and heirs to the same heritage, the arrival of an army of friends must be hailed by you, with a cordial welcome. You will be emancipated from tyranny and oppression, and restored to the dignified station of freemen. Had I any doubt of eventual success, I might ask your assistance, but I do not, I come prepared for every contingency. I have a force which will break down all opposition, and that force is but the vanguard of a much greater. If contrary to your own interest, and the just expectations of my country, you should take a part in the approaching contest, you will be considered as enemies, and the horrors and calamities of war will stalk before you. If the barbarous and savage policy of Great Britain be pursued, and the savages be let loose to murder our citizens and butcher our women and children, this war will be a war of extermination. The first stroke of the tomahawk, the first attempt with the scalping knife, will be the signal of one indiscriminate scene of desolation. No white man found fighting by the side of an Indian will be taken prisoner—instant death will be his lot. If the dictates of reason, duty, justice, and humanity, cannot prevent the employment of a force which respects no rights, and knows no wrong, it will be prevented by a severe and relentless system of retaliation. I doubt not your courage and firmness, I will not doubt your attachment to liberty. If you tender your services voluntarily, they will be accepted readily. The United States offer you peace, liberty, and security. Your choice lies between these and war, slavery or destruction. Choose then; choose wisely, and may He who knows the justice of our cause, and who holds in his hand the fate of nations, guide you to the result the most compatible with your rights and interest, your peace and happiness.

WILLIAM HULL

Before I proceed to any particular explanations, I ask you to bear in mind the situation in which I was placed by the orders of the government. I was in an enemy's country, with the command of a small body of militia, and a few regulars, (the numbers will hereafter be described) nearly three hundred miles distant from any magazines of provisions, munitions of war, or re-enforcements. The enemy with which I had to contend, was all the British troops in Upper Canada, all the militia of that province, and all the northern and western Indians, both, in the territory of Canada and the United States, together with all the strength and resources of the wealthy and powerful North-west Company.

Placed in this insulated situation, by the orders of the government; and surrounded by all the veteran British troops in Upper Canada, a powerful militia, subject to the command of the British governor of the province, who was the general of the army; with but a small stock of provisions on hand and no possibility of obtaining a further supply, as the lake was commanded by a British naval squadron, and the only communication by land, a wilderness of more than two hundred miles, filled with hostile savages; I saw no possibility of even sustaining my situation, unless the militia could be prevented from taking a part in the war, and joining the British standard.

A large portion of the population of that province had emigrated from the United States. They had been educated with the principles of freedom and independence; and some of them, and many of their fathers, had fought and bled in our revolutionary contest. They were situated more than three thousand miles from the country to which they were subjected, and had no participation or interest in the measures it adopted. Having for a number of years lived in their neighbourhood, I had often heard them express the injustice and oppression they suffered, and their natural right, and strong wishes, to participate in the same freedom and independence which their brethren of the United States enjoyed, and under which they were so prosperous and happy. They were informed that the force I had was but the vanguard of a much greater. I considered that I had solid grounds to make this declaration.

In the first place, it will be seen that I was authorized to pledge the faith of the government, that they should be protect-

ed in their persons, property, and rights. Could I have believed that the government would have authorized me to have made this pledge, without furnishing the means of redeeming it? I beg you, my fellow citizens, to look back, and consider what took place, before I left Washington, on this subject. In my official communications to the government, I stated, that in the event of war with Great Britain, it would be necessary to command the waters of Lake Erie, by a naval force superiour to that of the enemy; to provide re-enforcements, to secure the communication through the wilderness I was to penetrate—and a powerful army, to co-operate from the States of New York and Pennsylvania, which border on the east part of the lake: that, without these measures, it would be impossible for me to sustain my situation; and the ports of Detroit, Michillimackinack, and Chicago, would fall into the possession of the enemy. I hope, and indeed believe, you will be satisfied, there were sufficient grounds on my part for making this declaration.

I now come to that part of the proclamation which regards the Indians, and the employment of them in the war by the British government. It is well known, that the mode of Indian warfare is to give no quarter. After torturing their prisoners in the most inhuman manner, they put them to death, unless they believe they will be useful to them as slaves, or they can obtain an high ransom for them. In their warfare, they have no respect to age, to women, or children; wherever their power extends, it becomes an indiscriminate scene of desolation; and, on their part, a war of extermination.

In the former wars, it is well known, that many of the Canadians have joined their bands, and in every respect assumed their dress, and so assimilated themselves to them, that it was impossible to make any distinction. If it is the Indian mode of warfare to give no quarter, it is certainly proper for those against whom they fight to observe the same rule. If white men paint and disfigure themselves, and assume the dress of Indians, and fight by their sides in war, in such a manner that they cannot be distinguished, I ask whether it is not proper to treat them in the same manner as Indians. By a reference to General Brock's proclamation, in answer to mine, it will be seen that he justified this mode of warfare of his savage allies.

It is observed, if the barbarous and savage policy of Great Britain be pursued, and the savages are let loose to murder our citizens, and butcher our women and children, this war will be a war of extermination. It then states, that if the dictates of reason, duty, justice, and humanity cannot prevent the employment of a force, which respects no rights, and knows no wrongs, it will be prevented by a severe and relentless system of retaliation.

It will be perceived, that all these declarations are grounded on the principle of retaliation; this principle, I have ever been taught by the high authority of the laws of nations, is well founded and just. The whole proclamation has been recited; and I beg it may be particularly observed, that the threatening declarations are hypothetical; that, if the enemy pursue this barbarous policy we must retaliate in our own defence.

On the 13th of July, the day after it was published, a copy of it was sent to the government. The paragraph of the letter is in these words:—"Enclosed is a copy of a proclamation to the inhabitants, which I hope will be approved by the government. Two hundred copies have been printed and are in circulation." See *Hull's Trial*, page 10 of the *Index*. Here follow several extracts of letters received from the war department, in reply to my letters about that date.

"War Department Aug. 1, 1812.

"Sir: Your letters of the 13th and 14th, together with your proclamation, have been received. Your operations are approved by the President."

In another letter, dated on the same day the proclamation was received, the Secretary of war says: "The progress you have made, and the success which has attended it, are highly satisfactory to the President."

In another letter from the Secretary of War, dated the 3th of August, eight days after the receipt of the proclamation, he says: "Your letters of the 21st and 22d of July have been received and your arrangements are approved by the President."

These letters have lately been obtained from the war office, and are certified to be true copies.

Thus it appears, from the records of the war office, that my letter of the 13th of July, enclosing the proclamation, was received on the 1st of August; that on the same day, the Secreta-



ry wrote me a letter, acknowledging the receipt of it, and saying that my operations were approved by the President.

On the same day, the Secretary wrote me another letter, referring likewise to the one enclosing my proclamation; in which he said, "that the progress I had made, and the success which had attended it was highly satisfactory to the President;" and in another letter, written eight days after the receipt of the proclamation, he says, referring to the same subject, "your arrangements are approved by the President."

After this explanation and state of facts, which has been proved by the records of the government, I confidently submit the subject to your candid decision.

I have been the more particular on this subject for two reasons which have not been mentioned. One is, although this proclamation was not an article of charge against me, as I before observed, yet it was copied from the records of the government, and sent to the court martial as evidence against me on my trial, and published with the other evidence, by Lieut. Col. Forbes, in his report of my trial. There could have been no other motive, but to have created unfavourable impressions against me. It is with reluctance, that I state the other reason, because it may in some measure, affect characters for whom I have the highest respect, and on whom the future hopes of our country are placed.

By the journal of the proceedings of the commissioners, at the treaty of Ghent, it appears, that the commissioners on the part of Great Britain, stated some improper aggressions, which our government had committed against the inhabitants of Canada. Not having the journal before me, I cannot state precisely, and it is not necessary, what they were. The American commissioners asked them for the evidence. The proclamation, which has been referred to, was offered as evidence. The American commissioners declared that it was *unauthorized* and *disapproved* by the government.

On this subject, my fellow citizens, you have before you the documents and evidence, giving me an authority to issue this proclamation, of its being sent to the government, and the President's approbation of it, in three letters, after it had been received,—my enquiries of the Hon. John Quincy Adams, on

what grounds that declaration was made, and his answer, are contained in my second number.

Thus, it appears, that every wheel, and indeed the whole machinery of the administration, was put in motion, however distant from the centre of operation, to exonerate itself, and place on my shoulders, all the misfortunes which took place at the commencement of the war; a war, however just were the causes of it, was declared without any preparation; and I can safely appeal to the public records, to prove, contrary to every opinion I had given on the subject.

In not less than three official communications made to the administration, I stated that if war was declared, without the command of the lake, Detroit, Michillimackinack and Chicago, must in the nature of things, fall into the hands of the enemy.

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## No. XV.

HAVING in the former numbers explained the motives which rendered it expedient, to cross the Detroit river, and take a position with the principal part of the forces on the opposite bank, I shall now endeavour to satisfy you of the propriety of the delay in this situation, and offer the reasons why an attack on the British fort at Malden was not made. In the same letter, from the Secretary of War, which authorized me to commence offensive operations, an attempt to take possession of the British fort at Malden, was left to my discretion. This letter was received the 9th of July, in the evening. On the same evening this letter was received, I wrote to the Secretary, in answer to it, in these words:—"The British command the water and the savages.—I do not think the force here, equal to the reduction of Amherstburg. You therefore, must not be too sanguine."

As the Secretary's letter only authorized me to make the attack on the British fort at Malden, provided, I considered my force adequate to the enterprise, and consistent with the safety of my other posts; and as in my answer, I gave it as my opinion that my force was not equal to the enterprise, and gave my reasons for the opinion, (viz.) that the enemy commanded the

water and the savages. I could not have believed it possible, after the government had confided this measure to my discretion, and had fully approved of my conduct, that it could have been made a charge of capital offence against me. But so it was, and I therefore, must ask the indulgence of your patience, in stating the reasons, which governed my conduct.

After having received these discretionary orders, and after having given this answer and opinion, if I had made the attempt, and it had been unsuccessful, what would the officers of the administration have said? They would have said, and with propriety, that I was *only* authorized to adopt this measure, *provided* my force was competent to it; that I had communicated to them my opinion that it was not competent to it, and therefore it had been attempted, contrary to the spirit of the orders I had received, and would then have been a sufficient ground for an article of charge. In explaining the reasons of my conduct on this occasion, nothing shall be disguised, nothing shall be kept back, nothing shall be said, but what is founded in truth, whether it operates for or against me. Under these impressions, I wish you to understand, that on the 9th of July, when I wrote to the Secretary of War, and informed him that my force was not equal to the reduction of Malden, it was uncertain, what part the inhabitants of Upper Canada would take in the war. They were subjects of the British nation, and liable to the orders of its government. Unless in some way they could be prevented from taking a part in the war, they alone were sufficient to overwhelm the whole of my army. They were militia, composed of the same materials, as the principal part of my army and more than five times its number. With respect to the savages, many of them at that time had joined the British standard, and no certain calculations could be made, that I should be able to induce them to return and remain quiet at their villages. It was well known that a great portion of the inhabitants of the Province, felt no very strong attachment to the government under which they lived. Many of them, as I have before observed, were born and educated in the United States, had enjoyed the blessings of a free government, and were united to us by ties of friendship and of blood.

They remembered the time when the United States, were provinces of Great Britain, the history of our revolution, and

were not ignorant of the blessing we enjoyed as an independent nation. I could not but indulge the expectation, that from their situation and feelings, they would not have been disposed to have joined in the war against us. For some time every appearance justified this expectation. Large numbers, who had been called into Malden for its defence, came to our camp, and received the protection of our government. Numbers came from every part of the province, and gave assurances of their friendship, and their determination, not to take arms against us. Under these circumstances, I considered delay favourable to my operations, as the force of the enemy was every day diminished. Strong detachments were made to the river Trench, to collect provisions, and to Malden, to reconnoitre the situation of the enemy. All the artificers of the army were employed in making carriages for twenty-four pounders, for the attack on the fort at Malden, and floating batteries were commenced to transport them down the river, if possible, to operate against the enemy's naval force.

These preparations for an attack on the fort at Malden, were made under the expectation, or at least the hope, that the desertion of the militia would continue, and other events would take place, which would render that measure expedient.

During this delay, a clamour was excited in the camp, by the officers of the militia, because the army was not immediately marched to the attack of Malden. In consequence of this impatience, two days after the invasion of the enemy's territory, I called a council of war, and proposed the question, whether it were expedient to attempt, with the bayonet, to storm the fort at Malden. The council determined that no attempt ought to be made on Malden, until the heavy artillery was prepared.

Although, from the time of the first council, to the 5th of August, many circumstances had taken place, which will hereafter be related, to render an attack on Malden still more inexpedient, and the heavy artillery had not been completed, yet on account of the great impatience of the officers, I called another council of war, on the 5th of August.

In this council, I stated that the heavy artillery was not in readiness, but would be in two or three days. The question was then submitted to the council, whether it were expedient to wait for the heavy artillery, in order to make a breach in the

works, or immediately to make the attempt with the bayonet alone?

Before the question was taken, I observed to them, that if it should be their opinion that it was expedient to make the attack immediately, and they would answer for their men, I would lead them to the enterprise. Colonel Miller, (who commanded the regulars,) answered, he would be answerable for the men he commanded. Colonels McArthur, Cass, and Finley, (who commanded the militia,) said they would not be answerable, but hoped they would behave well. The council then determined that it was expedient to wait two days longer for the heavy artillery.

Thus it appears, that notwithstanding the impatience and desire which was manifested to attack the fort with the bayonet, yet when it came to the test, and I declared to them that I would lead them, if in their opinion in council, they thought it expedient, their impatience and desire subsided, and they thought it best to be aided in the enterprise by the heavy artillery. These facts are proved by the testimony of Colonel Miller, and others, and a more particular detail, will be found in my defence before the court martial.

## No. XVI.

As the measures alluded to in my last number of not attacking Malden, and of recrossing the Detroit river, were made articles of capital charge against me, by the administration, I must ask your particular attention to these subjects. However contrary they were to my feelings and wishes, yet under the unexpected circumstances, which had taken place, they were in my opinion dictated by a sense of imperious duty—had I been influenced only by a desire of popular fame, and not been governed by the dictates of duty, I should have been unworthy of the confidence which had been placed in me.—There existed, however, powerful inducements to a departure from the line of conduct which I pursued. I well knew the interest which the progress of the army I commanded had excited, and the expectations which were cherished. I well knew the feelings of the

officers and soldiers of the Ohio militia, who in a patriotic manner had volunteered their services ; and the effect that a retrograde movement would have on them. I well knew their anxious desire, when they returned to their homes, after the fatigues and dangers of the campaign had passed, to be adorned with laurels, and to be hailed by their friends and neighbours as the conquerors of Malden. As to myself had I been influenced by motives of ambition alone, I was no stranger to the road which would have conducted me to popular favour, or of the rewards and honours, which an achievement so anxiously expected, would have bestowed.

In adopting the measures, which I did on this occasion, I hope to convince you, that I was influenced by the purest motives, that the measures were strictly conformable to established military principles, and that not even errors of judgment, much less crimes, ought to have been imputed to me.

The number of effective men, of which my army consisted, has been greatly exaggerated, both at this time, and at the time of the capitulation.—In the course of these memoirs, I shall present a more particular detail. At present, I shall make such statements and present such documents, as will enable you to form a satisfactory estimate of my forces in the enemy's country, at the time I recrossed Detroit river.

By the letter of the Secretary of war, of the 9th of April, 1812, which gave me the command of these forces, their numbers were stated, and the objects for which they were called into service. The numbers were 1200 militia from the state of Ohio, and the 4th United States' Regiment, which consisted of about 300. I never received any instructions from the Government to march with a larger force. A few straggling volunteers, from the novelty of the scene, curiosity, or a desire to see the country, followed the army, and were included in the return.

On the road which was opened through the wilderness three block houses were built, and garrisoned for the purpose of aiding in the security of the communication, and the protection of convoys of provisions, against the savages. It appears from Lieut. Furbush's testimony, and other evidence on my trial (Page 146 of Lieut. Col. Forbes' report of the trial,) all the sick of the army, with a suitable number to take care of them,

were made prisoners in the vessel, which sailed from the Miami, on the 1st of July. for Detroit, in passing the Fort at Malden, before I had received information of the declaration of war.—This number must have been as many as sixty, as the Lieut. who was himself on board the vessel, says, it was as many as she could carry. A number of the sick of the army, on its march, were left at the river Raisin, and never again joined it. One hundred and eighty of the Ohio militia refused to pass the river when I commenced offensive operations, alledging as a reason, that they were not obliged to serve out of the United States. The aggregate of these numbers, will amount to more than three hundred. In addition to this number, a subaltern officer and thirty men, were left at the Miami, to build a stockade fort, by orders from the Secretary of war. Besides this, it was necessary to leave a portion of the troops, for the security of the fort of Detroit, and the other posts in its vicinity.

In addition to the Ohio militia, and the 4th regiment, there was a company in the fort of Detroit. Being governour of the territory, its militia were under my command. The population of that territory did not much exceed four thousand, and scattered from lake Superior to the Miami of lake Erie, a distance of about five hundred miles. Little or no advantage could be derived from this militia. The unfortunate loss of my papers during the campaign, the circumstances of which will be particularly related in a future number, prevents me from giving, at present, a more particular detail. But here we have the highest authority for the numbers ordered by the government, and in my trial, will be found conclusive evidence, with respect to those taken in the vessel, those left in the block houses, and those who refused to pass the river.—It was now the 6th or 7th of August; the troops had endured great fatigue in opening the road on their march, and the principal part of them had not been inured to a camp life. They were in a country liable to the ague and fever, and a large number were sick and debilitated.

At my trial my prosecutors endeavoured to make the numbers as large as possible—A return was presented to the Court Martial made at fort Finlay at the commencement of the march, and before any detachments were made, and the total

number amounted to a few more, than were ordered by the government. This return included all the volunteers, and followers of the army, not legally subject to my command, waggoners, packhorse-men, &c. &c. &c. On the data here given the effective force at Sandwich, could not have been one thousand, which will appear evident by mathematical calculation.

In a future number, in which I shall state the reasons why the capitulation was necessary, I shall explain the manner in which Gen. Brock made the numbers so much larger. I will now only state a few facts on that subject. In the first place, the troops made prisoners at Michillimackinack, were at Detroit on their parole, and were included in the number. Likewise the Michigan militia were included, which joined the enemy on their first landing at the Spring Wells. Major Jessop, who was one of my most violent prosecutors, and who manifested a desire to augment my force as much as possible, in his testimony before the Court Martial, says we crossed the river with sixteen or eighteen hundred men. This however was a mere matter of opinion, because he did not state, or produce any document or evidence on which it was grounded. By his own expressions he was uncertain, and had no correct data, on which even to found an opinion. His testimony therefore, leaves it as uncertain, as if he had said, between a thousand and eighteen hundred. By the official documents and evidence, which I have here given, it is impossible in the nature of things, that his opinion could have been correct. Notwithstanding this testimony, I think you must be satisfied that at this time, I had not on the Canada shore, a thousand effective men.

Without giving any weight to my opinion, from the evidence here exhibited, and an accurate calculation, you will be able to form an estimate for yourselves. I shall now proceed to state the situation in which I was placed, and offer my reasons, for not making an attack on the fortress at Malden. Obedience to orders, is the first duty of a military officer. I will therefore again state, the only order I had received on the subject. In the letter of the Secretary of war, of the 24th of June, I was only authorized to make the attempt, provided I thought my force was adequate to the enterprize, and it could be done consistent with the safety of my other posts. Here it was left to my discretion, and if I did not believe it could be done with



safety, in the manner stated in the order, neither its letter nor spirit authorized the enterprise.

The following reasons induced me to believe that it was not expedient.

The few undisciplined forces I commanded, were in an enemy's country, and surrounded by foes of every description. The waters and the wilderness were enemies, which in the nature of things, could not be controuled by any means in my power. I had no communication with my country, excepting through one or the other of them. The first was obstructed by the enemy's navy, the other by his savage allies. Thus it appears, my communication was entirely cut off, and distant about three hundred miles from any part of the country on which I could depend for re-enforcements, or necessary supplies.

Information had now been received, that the fortress at Michillimackinack, situated on the navigable waters above me, and which the enemy commanded, had fallen into the possession of the British and savage forces, which surrounded it.

The news of this event was accompanied with information which cast a shade over my prospects, and greatly encouraged and strengthened the force of the enemy opposed to me.

Immediately after the fall of Michillimackinack, messages were sent by the Indian Chiefs, who attended the British troops in the reduction of that place, and who inhabited the adjacent country, to all the villages south, as far as Miami, informing them that they had joined the British standard, that Michillimackinack had fallen into their hands, that Chichago was invested, and that they were all preparing to proceed to Malden; that they expected there to meet all their warriors, and assist in the reduction of Detroit. That an express had likewise been sent to General Brock, informing him of the event, and that the Canadians and savages were coming to join the army at Malden. About the same time, viz. the 4th of August, I received information, that Major Chambers, of the British army, with a detachment of regular soldiers and brass field pieces, had landed on the west part of Lake Ontario, had penetrated as far as the river Le Trench, and was collecting all the Canadian militia and savages of that part of Canada, to lead them against my army. At this time I likewise received information, that Colo-

nel Proctor, of the British army, had arrived from fort Erie, by water, with re-enforcements at Malden. As their re-enforcements were guarded by an armed vessel, I had nothing to oppose to them, to prevent their junction at Malden. Indeed the advantage to the enemy of commanding the lake became every day more apparent. Both re-enforcements, and supplies, could be transported with facility from one post to another, whenever it became necessary.

At this time, I had intercepted a letter from a Mr. McKenzie, a member of the North-west Company, at fort William, to a Mr. McIntosh of Sandwich, the principal agent of that company, in Upper Canada, dated the 19th of July, 1812. The genuineness of this letter was proved on my trial, and admitted in evidence. It affords such clear evidence of the force on the borders of the lakes above me, and that it was to be directed against me, that I shall here recite the following extracts from it.

“The declaration of war reached us on the 16th inst. [viz. 16th July] but we are neither astonished nor alarmed. Our agents ordered a general muster, which amounted to twelve hundred, exclusive of several hundreds of the natives. We are equal in all to sixteen or seventeen hundred strong. One of our gentlemen started on the 17th with several light canoes for the interior country, to rouse the natives to activity, which is not hard to do on the present occasion. We likewise dispatched messengers in all directions with the news. I have not the least doubt but our force in ten days hence, will amount to five thousand effective men. Our young gentlemen and engagees, offered most handsomely, to march immediately for Michillimackinack. Our Chief, Mr. Shaw, expressed his gratitude, and drafted one hundred. They are to proceed this evening for St. Joseph’s. He takes about as many Indians. Could the vessel contain them, he might have had four thousand more. It now depends on what accounts we receive from St. Joseph’s whether these numerous tribes, from the interior will proceed to St. Joseph’s or not.”

At the time I intercepted this letter, its contents were confirmed by the information I received from Lieutenant Hanks, Doctor Day, and Mr. Stone, who had arrived at Detroit from Michillimackinack, prisoners on parole. They stated, that be-

fore they left Michillimackinack, a number of boats and canoes had arrived, in which several gentlemen came passengers, who, they were informed, were agents of the North-west Company, and had come from fort William, on lake Superiour after the news of the declaration of war had been received there; and that they gave the same account of the Canadian and savage force, and its destination, as is contained in Mr. McKenzie's letter. They further stated to me, that a large body of savages were collected at the outlet of lake Superiour and that two thousand savages, according to the best estimate they could make, were at Michillimackinack, prepared to proceed and join the British force at Malden. Lieutenant Hanks was killed in the fort at Detroit, which deprived me of his testimony. Doctor Day and Mr. Stone, who were both at Michillimackinack, and present, when Lieutenant Hank made the communication to me, in their testimony on my trial, fully confirmed the statement here made.

In addition to all this combination of force, which was proceeding against me, symptoms appeared in the interior of my camp, not less alarming. The spirit of mutiny, which before had manifested itself in whispers, increased, and became more open. It was evident it was now fostered and encouraged by the principal officers of the militia, and was fast rising into an avowed conspiracy. I, however, never believed the extent, enormity and malignity of it, until it was confessed in Colonel Cass' letter to the Secretary of War, (which is published in my trial, page 25 of the appendix) which, in the course of these memoirs, will be more particularly noticed.

Notwithstanding the fortress of Malden had been strengthened by British re-enforcements, notwithstanding many of the militia of Upper Canada had returned to their duty, under a proclamation of pardon from the commanding officer, notwithstanding, after the fall of Michillimackinack, the Wyondots, and other tribes of Indians connected with them, had joined the standard of the enemy, yet, under all the circumstances, I was determined to make the attempt on the fort on the 8th of August, and made my arrangements accordingly.

And I now repeat what I stated in my defence, that there is no part of my conduct, since I have been a soldier, that I reflect upon with so much self conviction of error, as I do upon this.

I look back with regret upon the moment when I yielded to the councils of the inexperienced officers I commanded, and determined to make an attempt, which my own judgment did not approve, which was contrary to all military knowledge, and which even success might not justify. I thought, however, it was possible, that if I were successful, and should possess myself of the enemy's fortress, I might possibly maintain myself there, for some short time; and in that time, I hoped I might have some succour and security, from my own country, and her armies, that I had been led to expect would be operating below me.

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## No. XVII.

I SHALL now ask your attention to the reasons which finally induced me not to make the movement and attack on the fortress at Malden, according to the arrangement I had made, but to recross the river with the principal part of the army, on the evening of the 7th of August. That afternoon I received two letters from General Hall, who commanded the American troops on the Niagara Straits, and one from General Porter, from Black Rock. By these letters I was informed that a large number of boats, filled with British troops, had passed over Lake Ontario, to the west part of it, and were directing their course to Malden, and likewise, that the British forces, with the Canadian militia, and savages, on the opposite side of the Niagara river, were moving by water, to the same point; and what was more decisive still on my operations, by the same letters I was informed that nothing would be done there to check these movements, and that no assistance or co-operation would be afforded from that quarter, to the army I commanded. It is impossible for me to express the disappointment which this information occasioned—what possible events could have taken place, which would have authorized General Brock to have withdrawn the troops from fort George, fort Erie, and the other posts on the Niagara river, I could not conceive;—especially, as I had grounds to believe that the whole strength of the American forces were posted on the opposite bank—and as the Secretary of War had informed General Dearborn of my situation, and

had ordered him to make diversions in the enemy's country, at those very stations, from which I was informed they were withdrawn, and were bearing on me. The real and true causes which enabled the enemy to withdraw his forces from those stations on the Niagara river, and concentrate them, and his other troops, against the army I commanded, were then unknown to me. The mystery has since been unfolded, and the causes are as apparent as the sun at noon-day without a cloud. It was the armistice, or cessation of hostilities, which General Dearborn, the senior officer of the army, agreed to the beginning of August, and which he communicated to the Secretary of War, on the 8th of the same month, as appears by his letter of that date, in which the army I commanded was not included, but which extended to all the other forces on the northern borders. This convention, or agreement entered into by General Dearborn, and its consequences on my situation, will be fully considered in my future numbers.

It now appeared that the whole war against Canada, was to be carried on with the 1200 Ohio militia, and three hundred regulars, which were placed under my command. It will be remembered before I crossed the river, and took a position in the enemy's country, I stated to the Secretary of War, in my letter of the 9th of July, which has been before referred to, that I did not consider my force adequate to the enterprize, and in a former number, have stated the reasons, which induced me to cross the river and take possession of Sandwich.

When I received these letters from General Hall and General Porter, the expectations which I had before entertained of my communication by the lake being opened by a naval force, and of assistance and co-operation, from our armies on the Niagara river, were at an end. These letters from Generals Hall and Porter, were admitted in evidence on my trial, and the time and circumstances of receiving them proved, by the testimony of Colonel Miller, to whom I communicated the contents. (See Col. Miller's testimony, page 117, Lieut. Col. Forbes' report of my trial.)

After this information, and thus situated, I determined to recross the river with the principal part of the army, not with an intention of relinquishing the object of the reduction of Malden, and offensive operations against Canada, but of waiting until

more favourable circumstances should present themselves, and in the meantime of attempting to open my communication through the wilderness.

I had now, no communication with my country, and it was not possible to obtain any through any other channel. On the security of this communication for the purpose of obtaining supplies, I considered the very existence of my army depended.

If I had believed that an attack on Malden, with a probability of success, would have effected the object of opening this communication, or of even giving facility to it, I should cheerfully have undertaken it.

As I have before observed, my own fame, and the gratification of my officers, were powerful inducements to the measure. Situated, however, as I was, it was my opinion that it would have been a useless waste of blood, and success would have been attended with no advantage.

The reduction of Malden could have had no effect on the naval force of the enemy, unless all the harbours on the Canada shore, and among the islands, had been in our possession. It would have been utterly impossible to have maintained the fortress. It must have fallen for the want of supplies. The waters of the lakes would have remained shut against us. If, therefore, the road through the wilderness to the settlements of Ohio could have been opened, still no supplies could have passed into the fort without crossing the water, and that would have been prevented by the enemy's naval force.

As Michillimackinack had fallen, if we had possessed Malden, in a very short time it would have been assailed by all the Canadians attached to the North-western Company, with the numerous and powerful hosts of savages of that region, and by the British force, which had landed on the western part of Lake Ontario, with the militia and savages of that part of the country. The naval armament would have co-operated with these forces, the supplies would have been intercepted, and no relief or assistance could possibly have been afforded.

If, with the knowledge I had of the forces which were marching against me, I had made an attack on Malden, it would have been as great a crime as any of which I was accused by the administration, and I certainly should have wanted the consciousness of having acted from the purest motives, and accord-

ing to my best judgment, which has been my consolation in all I have suffered.

Thus it appears, that the little army I commanded was entirely cut off from the country, and could receive no more sustenance from it than the arm can receive sustenance when cut off and separated from the human body ; and remaining in this situation, it must as inevitably have perished as the arm would perish without receiving sustenance from the source on which it depended for life. As I considered the existence of my army depended on opening the communication through the road to Ohio, and as no other possible mode presented of effecting it but by recrossing the river with the principal part of the army, it was adopted on the evening of the 7th of August.

These, fellow citizens, as I observed in my defence, were the grounds on which I made a retrograde movement with a part of the army to Detroit. It was from thence I could open the only channel, through which it could derive the means of its existence. If my judgment then misled me, it continues yet to mislead me ; for every day that I have lived I have become more confident that I did right to leave the enemy's country. Had I followed the dictates of my own judgment I should have made my retreat to the Miami, and there waited for co-operation and assistance. The distance from thence to the settlements in Ohio would have been comparatively short ; I should have had no enemy in my rear but savages, and it might have been possible to have preserved my communication, and obtained supplies. The day after I recrossed the river, (the 9th of August,) I proposed this measure to some of the principal officers. I will here give the answer of Colonel Cass. It was, that if I did, under the existing circumstances, every man of the Ohio volunteers and militia would leave me. His language was, as he states it himself, that the militia would retreat with me if *they* thought a retreat necessary. But as *they* undertook to judge that it was not then necessary, they would leave me, and not a man would retreat under my command. Colonel Cass's testimony on this subject is in the following words. "I recollect a conversation, after the retreat from Canada, and before we went to the river Raisin, in which General Hull suggested, that as he heard of no co-operation from below, it might be necessary to take post at the Miami. I think I told General Hull that, if under existing

circumstances, he took such a step, the Ohio militia would desert him to a man. Whether I told General Hull so or not, I am confident it would have been the case." This, among many other things which might be mentioned, is evidence of the insubordination which was among the troops. That this spirit was encouraged by the principal officers is evident, from the confessions of some of them on my trial. The officers were indebted to the soldiers for their stations; they were their neighbours, and were elected by them. They lived together, in camp on habits of perfect equality, and before this campaign, neither officers nor soldiers had ever seen any actual service, and had never been accustomed to any military discipline excepting company trainings about their doors. It is unnecessary for me to describe the difficulty of commanding troops of such a character; or of performing any military operations where obedience to orders is essential to success. No better exemplification can possibly be given than the conduct which both officers and men exhibited on this occasion.

It may probably be asked, why did you not arrest the principal officers who had been guilty of this conspiracy, and who had excited this insubordination? I answer, by asking another question. Whether you believe these volunteers from the militia, who composed more than two thirds of the army, would have suffered the leaders they had chosen, to be deprived of their command? Whether an attempt of the kind would not have produced a civil war in the camp? This same spirit had been manifested from the commencement to the end of the campaign. It was manifested at Urbanna, by a part of the militia refusing to march when ordered. It was manifested at Detroit, by one hundred and eighty refusing to cross the river when ordered; it was manifested on the march, by conduct towards some of their own officers, too ridiculous and too disgraceful to be repeated. And it finally appeared that a Cataline was in our camp, who had formed a conspiracy to deprive me of the command, with which I had been entrusted by the government. This fact appears by the letter of Colonel Cass to the Secretary of War, which is published in my trial.

Under the events which had taken place, and which had come to my knowledge, I should have been wanting in the duties which I owed to my station, had I not retreated from



Canada. I retreated for the purpose of taking the most effective measures in my power for opening my communication. Its importance I have endeavoured to explain. Indeed it was so obvious that the administration was sensible of it, and one of the articles of charges against me was, for not keeping it open, and another for withdrawing the army from Canada, the only measure by which it possibly could have been effected. In my letters to the Secretary of War, immediately after the retreat, I stated the same reasons which I have here given. Likewise in my letters to Governour Meigs, of Ohio, Governour Scott, of Kentucky, &c. These letters bear date the 8th, 9th, and 11th of August, and were in evidence on my trial. All these letters, written at the time, shew that I retreated from Canada because I had ascertained that I should soon be surrounded by an overwhelming force; because there was no possibility of opening my communication from that station, and because I found the few regulars and militia under my command, were to be left to carry on, without any assistance or co-operation, the offensive war, which the United States had declared against one of the most powerful nations on earth. By a reference to my trial, it will appear, that Colonel Cass and others of my officers, were sensible at this time of the difficulties of my situation. In a letter to Mr. Silliman, of Ohio, the brother-in-law of the Colonel, he says, "that provisions would become necessary for the existence of the troops." In a letter to the same, after the fall of Michillimackinack, he says, "that the impression made by that event could scarcely be conceived." According to Mr. Silliman's testimony in his letters to him, Colonel Cass pressed him to use his influence to procure re-enforcements for the army, and expressed his surprize that we were left without co-operation, by putting to his correspondent the following interrogation, "Is there nothing to be done in the lower end of the lakes to make a diversion in our favour?" In a letter to the same gentleman on the 12th of August, Colonel Cass says, "think our situation as bad as you may, it is still worse."

## No. XVIII.

BEFORE I proceed to give an account of the measures I adopted, to open the communication, to Ohio, I will state some general principles, and will endeavour to show the propriety of observing them in all military movements, and will apply them to the situation in which I was placed by the orders of the government. And here in the first place, I will ask your attention, to the same principles, which I stated in my defence—that in modern warfare, the first great object of each contending party, is the resources of his enemy.—The fate of armies is found to depend upon the abundance of their resources, on their security, and the facility of keeping up a communication with them. It has become a principle to manœuvre in such a manner, as to cover the places from whence supplies may be drawn, not to go far from them, but with great caution, and never to cease preserving with them those connections, in which the strength of an army consists, and on which its success depends. These principles are to be found in the best military authors of modern times, and the soundness of them have been confirmed by numerous examples. The enemy with which I had to contend, had strictly observed them. His principal post was at Malden, on the east bank of the Detroit river, where it empties into lake Erie. His magazines, which contained all necessary supplies, were at fort Erie, and at other places, between Malden and fort Erie, on the borders of the lake, which his navy commanded. Having no armed vessels, or boats, it was impossible for me, in the least degree to interrupt this line of communication. The enemy's station, therefore, could be furnished with all necessary supplies, with the greatest facility, and with the most perfect safety. I now ask you, my fellow citizens, to cast your eyes on the map of the country, where I was placed, not by my own judgment and discretion, after the declaration of war, but by the positive orders of the government, and consider on what grounds, such orders could have been justified. As these *fatal orders* were, in my opinion, one great cause of the misfortune, which attended the army I commanded, I shall ask your particular attention to them. On the 18th of

June, after war was declared against Great Britain, the Secretary of War, wrote me a letter, in which, he informed me of the event, and ordered me to march the army I commanded, to Detroit, with all possible expedition. At the time, this order was given, the President of the United States, by whose command it was given, well knew, that no preparation was made to build a navy on lake Erie, and that the enemy commanded it, with a number of armed vessels and gun-boats.

When, therefore, these *fatal orders* were given, those, by whose authority they were given, well knew that the communication through the lake would be closed against us, and that no re-enforcements, or supplies of any kind, could be obtained for the army, through that channel. Those, who gave these *fatal orders*, well knew, that after the declaration of war, the army I commanded, and the posts of Detroit, Michillimackinack, and Chicago, which had before, in time of peace, been supplied through the communication of the lakes, could only receive their supplies by land. They well knew, that the State of Ohio, was the nearest part of our country, from which the necessary supplies could be furnished. They well knew, that the distance from any magazines, where these supplies could be obtained, to the point where they ordered the army, was more than two hundred miles, and to the other posts they had established, was more than five hundred miles.

They well knew, that this distance, was almost entirely a wilderness, filled with savages, who in the event of war, would probably become hostile. They well knew, that the necessary supplies, could only be carried through this wilderness, on pack-horses. They well knew, that the only line of communication, through which these pack-horses, with supplies, could pass, was for about seventy miles on the margin of lake Erie, and the Detroit river, both of which were commanded by the enemy's gun-boats and vessels of war. They likewise well knew, that these supplies must pass by the enemy's principal post at Malden, only separated by the Detroit river. Under the orders the administration had given, they well knew the impossibility of supplying the army, and the posts I have mentioned, with the means of subsistence. They well knew, the facility and ease, with which the enemy could assail the convoys, both by his land and naval forces, on this long and vulnerable line of communi-

oation, and the impossibility of stretching the army back, from the point they had ordered as my station, for the safety and protection of such convoys.

The administration, likewise well knew, when these fatal orders were given, that in three separate statements, which I had made to the President through the medium of the Secretary of the department of war, I had observed that in the event of a war against Great Britain, a navy on lake Erie, superiour to the British was essential to success; and, that without preserving the water communication, an army could not be supported at Detroit, and that Detroit, Michillimackinack, and Chicago, would inevitably fall into the hands of the enemy.

These statements had been received as official documents, and no objections had ever been urged against them. The administration, therefore, knew my opinions on the subject, and certainly ought not to have continued me in command, when a course was to be pursued directly contrary to the opinion, I had repeatedly and officially given.

On a map of the country, which was the scene of my operations, you will be able more distinctly to perceive the natural obstacles, with which I had to contend. Besides seeing the positions of the British and Canadian forces, and the stations of the different nations of savages, you can see the manner in which the waters and the wilderness, were arrayed against me. At present, I can only ask your attention to the general maps of our country, which will afford some assistance, in obtaining a knowledge of my situation.

The necessity and importance of preserving my communication with magazines, for supplying the army. I had learned from reading the best military authors, and from my observations and experience, during the war of the revolution.

From books, I had been taught, that when an army moved towards an enemy, its line or lines of operation must be from its base, on which are its magazines of necessary supplies. That a connection should always be preserved between the line or lines of operation, and the base, or magazines. That an army never ought to advance so far from the magazines, as to enable the enemy, to attack and destroy the convoys of supplies from the magazines to the army. When the army marched from Urbana in Ohio, this rule did not apply, because we were at

peace with Great Britain, and in the country through which I marched, there was no other enemy but, savages. The army, therefore, carried on pack-horses, sufficient supplies, for its support, until it arrived at the lake. On the communication through the lake on our arrival there, we depended for supplies, as it was open to us, until after the declaration of war.

Near the Miami of the lake, I received the *fatal order*, which has so often been referred to, informing me of the declaration of war, and ordering me, positively, to march to Detroit.

Had I not received this order, and the operations had been left to my discretion, I should not have marched to Detroit, eighteen miles in the rear of the enemy, but made my movements against the enemy, from a different quarter.

I had served under the banners of General Washington, from the commencement to the end of the revolutionary war.

I had observed, how cautious he was in all his movements, to preserve a communication with his magazines. He retreated from Long Island to New York, because he knew the enemy would prevent his communication with a naval force in the East river. He retreated from New York to the White Plains, because the British navy commanded both the East and North rivers, and the army was marching to take possession of the high grounds, beyond King's Bridge, to intercept his communication from the country, whence he received his supplies. He retreated through New Jersey and passed the Delaware, to take a position, where he could receive his supplies. In 1777, when General St. Clair commanded at Ticonderoga, and found that the enemy commanded lake Champlain, and was making movements to surround the garrison on all sides, and cut off his communication, and supplies, he retreated, and abandoned a post, which was considered the *key* of the country.

When General Burgoyne, became sensible that he was to receive no co-operation, from New York, and his communication was cut off from his magazines in Canada, he surrendered under a capitulation.

When General Lincoln, was beseiged at Charleston, by a British fleet and army, and his communication with his magazines was cut off, he surrendered.

When the army commanded by Lord Cornwallis at York-

town, was attacked by a naval and land force, and he had no communication with his magazines, he surrendered.

At an earlier period, during the war between France and England, in 1753, when General Washington, (then Major Washington) and commandant of a colonial regiment, from Virginia, was surrounded and attacked in a Stockade fort, at a place called the Little Meadows, by a body of Frenchmen and savages, by which means, his communication was cut off from any supplies, he made a capitulation with the enemy.

Bonaparte, in his Russian campaign, departed from the principles of the most celebrated military authors. Moscow, the object of his attack, was so distant from his magazines, that it was impossible to preserve any connection with them, so as to receive the necessary supplies. For the support of his army, he had nothing to depend on, but supplies from the enemy's country. The conflagration of Moscow, and the Russians rising in mass against him, rendered it impossible to obtain supplies, and consequently to sustain his situation, at so remote a post.

In this situation, had he proposed a capitulation, he probably might have saved the lives of more than four hundred thousand men, for the future services of his empire. His haughty spirit, and former triumphs forbid any proposition of the kind. In his attempt to retreat, his army was destroyed by the force of the elements, and the Russian bayonet. It may, at least be made a question, whether, under the circumstances he was placed, he would not have exhibited more magnanimity, by an attempt to save the lives of his army, by negotiation, than by the course he pursued.

I have cited the examples of these celebrated commanders, for no other purpose, than to illustrate the principle, that, when an army is deprived of its communication with its magazines, on which it depends for its necessary supplies, and cannot open that communication, so as to obtain them, its fate is inevitable, and it becomes the duty of its commander, to accept the best terms from the enemy, which can be obtained.

## No. XIX.

BEFORE I left the enemy's country, having received information that some beef cattle had arrived at or near the river Raisin, escorted by a company of militia from the State of Ohio, I made a detachment of two hundred men, under the command of Major Van-horn, with orders to proceed to the river Raisin, and guard these cattle safely to camp.

At Brownstown, this detachment was attacked by a body of savages, and entirely defeated. According to Major Van-horn's report, eighteen men were killed, twelve wounded, and about seventy missing. His opinion was, that three hundred Indians crossed from Malden, and that from one hundred and fifty to two hundred were actually engaged. This report was received on the 5th of August, two days before the retreat from Sandwich. This unpropitious event increased the difficulty of my situation, and more strongly convinced me how impossible it was to continue offensive operations, and furnish at the same time a sufficient force to give security to so extensive a communication. The war had now become both offensive and defensive, and the little army I commanded was alone left to carry it on in both characters. This was among the reasons which induced me to recross the river, that I might be able to detach a more powerful force to open the communication.

For this purpose, therefore, on the very day the army retreated to Detroit, I ordered a detachment of six hundred men, under the command of Colonel Miller, of the 4th United States' regiment. This command consisted of all the effective men of that regiment, and a selection of the most effective of the militia. It was likewise accompanied by a field piece and howitzer, from the fort at Detroit. Colonel Miller met a body of the enemy, consisting of British troops, Canadian militia, and savages; which, having received information of his approach, was formed in the woods in regular order of battle. A disposition was immediately made on his part for an attack, and after a severe contest, honourable to the American arms, the enemy was compelled to retreat. After pressing on his rear about two miles, Colonel Miller thought proper to discontinue the pursuit,

and the enemy embarked, under cover of his armed vessels, and recrossed to Malden. The loss, in killed and wounded, in the battle, on our part, was about eighty. As soon as I received an account of the action, a re-enforcement of one hundred men, with a supply of provisions, under the command of Colonel McArthur, was ordered to join Colonel Miller's detachment at Magnago. As soon as the detachment had recruited from its fatigue, my intention was, that it should have proceeded on the expedition to the river Raisin. A severe storm of rain intervened, and the troops were exposed to it without any covering. I therefore thought it expedient, on account of their great fatigue, to order them back to Detroit, and make an arrangement by another rout to open the communication.

The road to the river Raisin, which passed through the Indian village of Brownstown, being principally on the margin of the Detroit river, both troops and convoys could easily be annoyed by the gun boats and armed vessels of the enemy. Besides, in its course, there was only the river which separated it from the enemy's principal post at Malden. Being thus situated, it was almost impossible to secure it in such a manner as that convoys could pass with any kind of safety. After Colonel Miller's return to Detroit, therefore, seeing the indispensable necessity of obtaining the supplies which had arrived at the river Raisin, and being informed of a circuitous rout, distant from the river, I thought it expedient to make the attempt in that direction. I communicated my intentions to Colonels McArthur and Cass, and they not only fully approved of the measure, but offered their services, as volunteers, on the expedition. I likewise communicated to them a letter from Captain Brush, who commanded the escort of provisions, informing me that he should take the back road, and should have occasion for support. I authorized Colonels McArthur and Cass to select the most healthy and effective men of their regiments, and directed the Quartermaster to furnish pack-horses to carry provisions for them *on* their march. On the 14th of August, they commenced their march, under the command of Colonel McArthur, attended by Colonel Cass. The progress they made, and the circumstances which attended the expedition, will hereafter be related.

Thus will be seen the measures which were adopted, and the



efforts which were made to open the communication. I have been the more particular on this subject, because it was made an article of charge against me. What more could have been done, in my situation, and with the force at my disposal, I know not, unless I had retreated with my whole force to the Miami. The reasons why I did not, have been stated in these memoirs.

By the statement here made, the truth of which will be manifest by the evidence and documents in my trial, it appears that I made three attempts to open my communication—one by a detachment of two hundred men, under the command of Major Van-horn; another by a detachment of six hundred of the best and most effective part of the army, under the command of Colonel Miller; and the third, by all the healthy and effective men of McArthur's and Cass' regiments, which the two Colonels were authorized to select and command themselves.

I now ask the candid reader, in imagination, to fix himself at Detroit, and view my situation: I ask him to read the orders of the government, which positively placed me in this situation, eighteen miles in the rear of the enemy's principal post in the province of Upper Canada; to look over the waters of the lake, and behold the hostile naval armament which commanded them; to view not only the enemy's principal post, situated on these waters, but all his magazines established on them, protected by this naval armament, and capable of being transported, with the greatest safety and facility, to any point where they might be necessary. After viewing the situation of the enemy, and his resources, I ask you more particularly to look at mine. You must look through a dreary wilderness of more than two hundred miles, filled with hostile savages, before you can find a base on which any magazines were established, by which my little army could be supplied with the means of subsistence. Through this wilderness you will see no possible communication, excepting by a single road, opened by the labour and fatigue of this little army, in penetrating to the position to which it was ordered. This only and single line of operation, was liable to be obstructed by the savage force, to which the nature of the country was peculiarly suited; by the whole force of the enemy's troops, both British and Canadian; and between the Miami and Detroit, seventy miles, by the gun boats and armed vessels on the lake. To give security to this communi-

ation, you will see nothing but two or three solitary block-houses, built by the troops when the road was opened, and guarded only by a few invalid militia, left in them on the march.

By the foregoing memoirs, and by the evidence on my trial, you will perceive there was no adequate force, on this long line of operation, furnished by the government, to give security to it, for the protection of convoys. And when you consider the attempts I had made and their consequences, I think you will be satisfied, that with my whole force I could not have stretched back so great a distance as to have preserved the communication. To illustrate a subject of this kind the best writers on military movements compare an army's lines of operation to the muscles of the human body, on which the life and motions of the members depend. When the whole moving spring of a member is confined to a single muscle, the loss of which would render it useless, it is the more important to defend it from every hurt. So a single offensive line is, to an army marching towards an object, a part singularly sensible, and cannot be too carefully guarded from contact with the enemy.

From the nature of the country from Miami to Detroit, it was impossible to have more than one line of operation, and it has been shown how singularly it was exposed to be intercepted and rendered useless.

Thus I think, from the exposition given of my situation, every unprejudiced reader will be convinced that, there was no possibility of obtaining any supplies, from any magazines from my country. I shall now offer for your consideration, the best evidence and the best documents the nature of the case will admit of, to satisfy you of the state of the magazines at Detroit, and the supplies which could have been obtained from the country around it.

As a true knowledge of this subject is very important in forming an opinion of the measures I adopted, and as the grossest misrepresentations have been made by my enemies, I shall make it a separate article in my next number.

## No. XX.

That you may clearly understand the situation in which I was placed, with respect to provision, for the army, it will be necessary, that you should be acquainted with the country, and its resources. At this time the population of the Michigan territory, of which Detroit was the capital, was between four and five thousand souls.—Their settlements were on the Miami of lake Erie, the river Raisin, Ecosse, Rouge, and the Detroit river, lake St. Clair, the river Huron, which empties into lake St. Clair, the river St. Clair, and the island of Michillimackinack—at that time much the greatest part, indeed almost the whole, who cultivated the land, were Canadians.—They were miserable farmers, paid little attention to agriculture, and depended principally on hunting, fishing, and trading with the Indians for support.—The produce of the territory, in the substantial articles of living, was by no means sufficient for the subsistence of the inhabitants.—They were supplied, with pork, beef, flour, and corn from the State of Ohio, and the parts of New York and Pennsylvania, which border on lake Erie—notwithstanding these facts are well known, I will refer to some testimony, to satisfy those, who are unacquainted with the territory.

Captain Thomson Maxwell, in his evidence on my trial, testified, “that he had lived thirteen years in Ohio, and had been engaged every year, in driving cattle and hogs, from thence to Detroit market; from a thousand to fifteen hundred hogs annually, from one hundred and fifty, to two hundred pounds each—and from an hundred and fifty, to two hundred head of cattle.—They were generally driven through the woods, without any road.”—Colonel Kingsbury, of the 1st United States’ regiment, testified, “that he commanded at Detroit about two years, and left it in 1811, and that during the time he commanded there, there were large droves of hogs, and fat beef cattle, driven from Ohio, to that market”.

A great variety of other evidence might be adduced to prove his fact, but I deem it unnecessary.

It is only necessary to know the character of the inhabitants and the situation of the country, to be satisfied of the fact—uni-

versal experience proves, that nothing but necessity will induce men to toil and hard labour. They are much better pleased with the chase, fishing, &c. Without making any further observations on this subject, I believe you will be convinced, after considering how long the army had been among these people, and how much had been taken from them that there were no grounds, to calculate on any further supplies from their scanty stores.

I shall now endeavour to demonstrate, from the best evidence which the nature of the case will admit, the state of provisions at Detroit, at the time of the capitulation.

Augustus Porter, Esq. of the State of New York, was the contractor for furnishing this army.—David Beard, Esq. was his agent, and was present at Detroit.

Before my trial, and pending my trial, I repeatedly requested that David Beard who then resided in the State of New York, might be summoned as a witness to prove the quantity of provisions at Detroit before, and at the time of the capitulation. The Judge advocate assured me, he should be summoned. Near the close of the trial, as he did not appear, I wrote him a letter, informing him how important his testimony was, and requested his attendance. He arrived in Albany the day the evidence was closed, and his certificate of the quantity of provisions, was admitted in evidence. It will appear by the minutes of the trial that his testimony, was the last before I made my defence. This being the best evidence which the nature of the case will admit of, I presume ought to controul all other evidence. Mr. Beard, was not only the agent, who did all the business at Detroit, but I understood from him, had some share in the profits of the contract. He could have no motive, to have diminished the quantity, because the United States must have paid for all that was on hand at the time of the capitulation.

By the contractor's agent's certificate, it will appear that on the ninth of July, 1812, there was at Detroit 125,000 rations of flour, and 70,666 rations of meat; and that on the 28th of July, there was 70,000 rations of flour, and 21,000 of meat. Mr. Beard has certified that this statement was handed to me, containing the provisions in the contractor's store, and signed by him as will appear by the proceedings of the Court Martial, on my trial.

By this return, it will appear, what quantity was consumed, from the ninth, to the 28th of July, what quantity remained on hand, the 28th of July, and by observing the same rule of consumption, it will appear, what quantity, would have been in store, on the 16th of August, the day of the capitulation.

By the data here given it will appear that, if a ration of meat had been issued, the meat would have been exhausted on the 6th of August, ten days before the capitulation. And if during those ten days, after the meat was exhausted, an additional quantity of flour had been issued, to make up the ration, as was the case, the whole of the flour would have been exhausted on the 16th of August, the day of the capitulation. It appears by the return of the contractor, that from the 9th to the 28th of July, that 5,334 rations of flour, more than of meat, were issued, and that practice was continued, in about the same proportion, until the 16th of August. There is another reason why so much more flour was issued than meat.—In a former part of these memoirs, I stated, that the old Indian Chiefs and Sachems continued friendly to the United States, and advised the warriors not to join the British standard, or to take any part in the contest. These friendly Chiefs and Sachems, with the women and children, daily came to Detroit from the villages, in a starving condition. It had long been the custom, and I was ordered by the Government, as superintendant of Indian affairs, on their visit to this post, to furnish them with provisions. At this time, I directed, on account of the deficiency of meat, that flour alone should be issued, which they preferred. Every effort was made to prevent these visits, and no more provisions were issued to them, than was necessary to preserve life.

Perhaps it may be asked by those unacquainted with my situation, and the practice of armies, why so many more rations were daily issued, than the number of effective men, which composed the army? I will give the true answer to an enquiry of this kind.

It will appear by the foregoing memoirs, that the officers and soldiers from Michillamackinack had arrived at Detroit, prisoners on parole, and they had no other means of subsistence, but to receive rations.

It likewise appears, that a large number of old Indian Chiefs and Sachems, daily visited our camp, and were fed from the public stores by order of the Government, as I before stated.

It was now the middle of August, and a large number of sick were to be provided for, and there being no medical stores it was necessary to issue meat and flour, for their subsistence.

A number of women, are attached to all armies, and it is a general custom to furnish them with provisions. All the officers are entitled to extra rations, from twelve to two. All the quarter-masters' department, such as waggoners, pack-horsemen, boatmen, &c. are entitled to rations. I think this statement will satisfy any enquiries on this subject.

Although every possible effort was made by the administration to prove, that the state of the provisions, was no reason for the capitulation; yet, on a careful examination of all the evidence on my trial, I can find nothing which ought to have any weight in any degree to controul, or vary the statement, here made. It has been said by Cols. M'Arthur and Cass, and other witnesses, that they never heard any complaints of the want of provision. Brevet-Major Whistler is the only witness, who has given any testimony on this subject worthy of notice.

His testimony is in the words following: "I went, some days before the army re-crossed, with a Mr. Beard, the deputy contractor, to a store which held the provisions of the army, and saw, and helped to count between 2 and 300 barrels of flour, 48 barrels of pork, and 16 or 17 barrels of salt beef." From this testimony of the Brevet Major, it is impossible to determine, the quantity, if any, which was in the store on the 16th of August. And for this conclusive reason, that he does not ascertain the day, that he was in the store, and it is impossible to ascertain it, from any thing he said. He said, "some days before the army re-crossed the river." It might have been three or four days before, or it might have been fifteen or twenty. It is unfortunate for me, that he did not recollect the day, because had it been only three or four days before the army re-crossed the river, the quantity, by his testimony, would not have been so great, as it appears to be by the returns of the deputy contractor. This can easily be ascertained and reduced to mathematical demonstration, from the data here given.

I feel confident, that I am not blinded by prejudice, in believing, that every person, who will read this statement, and the evidence, by which it is proved to be true, will be satisfied, that the state of the Provisions in the store, and the impossibility of

test of his examination. I rejoice, however, to learn by the public prints that he will soon return, and have an opportunity of repelling any charges, which he may believe unwarranted by the evidence in my possession. No one of you can be more ready than myself to receive, and give due weight to any explanations which he may wish to make. But, fellow citizens, should he avoid such explanations on the ground that the decision of the Court Martial of which he was President, is conclusive, I shall, with the utmost confidence appeal to my countrymen for a revision of the sentence of that tribunal; knowing that in you I shall have candid, just, intelligent, and *disinterested* judges, in whose hands the honour of the innocent and the injured must always be safe.

I shall now proceed to produce documents to show, the manner in which he discharged the duties of his high office in relation to the detachment of the army entrusted to my command. In the first place, I will observe, that during the whole campaign, I never received a single letter from him.

In the next place I shall prove, that early in the campaign, he was ordered by the government, to place the troops under his immediate command, in stations suitable for the invasion of Upper Canada; and that when I commenced offensive operations against that province, he was likewise commanded to co-operate with me in those operations.

In the next place I shall prove, that in violation of the orders of the government, he never made any co-operations, at the time here referred to, although he had at his disposal, a sufficient force for the purpose.

I shall then show, that without any instructions from the government, and without any justifiable cause for the measure, he agreed with Sir George Prevost, the commander-in-chief of the armies in Canada, to an armistice, or suspension of hostilities, in which the army I commanded was not included; and by that means, left it in the power of the enemy to march his whole force with the most perfect safety to his other posts, to the point, where I had commenced offensive operations. I shall further show, that he was constantly informed of my situation, and must have known, if he had any knowledge of his duty, that the measures he adopted, in the nature of things, must have occasioned the destruction of my army. And I shall further show, that in

consequence of this armistice, or cessation of hostilities, that General Brock, the acting Governour and commander-in-chief of Upper Canada, marched with all the forces of his province, and re-enforcements from Montreal to the station at Malden.

As early as the 26th of June, 1812, ten days before the army I commanded arrived at Detroit, the Secretary of War, in a letter to General Dearborn says, "It is altogether uncertain what time General Hull may deem it expedient to commence offensive operations. The preparations, (meaning General Dearborn's preparations) it is presumed, will be made, to move in a direction for Niagara, Kingston and Montreal." [Recorded Vol. 5th, p. 458.] This shows, that a few days after the declaration of war, and while I was on my march, through the wilderness, that it was not only the intention of the government, that I should commence offensive operations from Detroit against Upper Canada, but likewise, that General Dearborn should make preparations to co-operate with me, as the troops were to move in a direction for Niagara, &c. In the Secretary's letter to the same, dated the 9th of July, he says, "You will order all the recruits not otherwise disposed of, to Albany, or some other stations on Lake Champlain, to be organized for the invasion of Canada." [Vol. 6th, p. 15, 16. Records of the War Office.] This shows as early as the 9th of July, the object of the administration, was the invasion of Canada.

On the 20th of July, the Secretary wrote to General Dearborn as follows : "I have been in daily expectation of hearing from General Hull, who probably arrived at Detroit on the 8th inst. The first intelligence received from him will be communicated to you; enclosed is a copy of his last orders; you will make such arrangements with Governour Thompkins, as will place the militia detached by him for Niagara, and the other posts on the Lakes under your controul : and there should be a communication, and, if practicable, a co operation, throughout the whole frontier." [Vol. 6, p. 35.] By this letter, the militia of New York were placed under General Dearborn's controul, and he was directed to communicate, and co-operate with the other forces on the frontier. General Dearborn could not have misunderstood this order, because there were at that time no other forces on the frontier but those under my command, and the orders which are alluded to, in the letter enclosed to



him, were the orders to me to commence offensive operations against Canada.

On the 1st of August, the Secretary wrote to General Dearborn the following letter. "Enclosed herewith, you will receive a copy of a letter, from Brigadier General Hull, of July 19, by express. You will make a diversion in his favour at Niagara, and at Kingston, as soon as may be practicable, and by such operations as may be within your controul." [Vol. 6, p. 199.] Here he was positively ordered to make a diversion at Niagara, and Kingston, as soon as was practicable; and by such operations, as were within his controul. It may here be observed, that he was the senior officer of the army, and all the troops raised for the invasion of Canada were subject to his immediate controul, excepting the few Ohio militia, and the 4th United States regiment under my command, *and* by his rank, he would have commanded them, if he had obeyed his orders, in making diversions in the enemy's country, and co-operating with them.

In a number of other letters to General Dearborn from the Secretary, he was instructed to make diversions, and co-operate with my army: to prevent being tedious, I will extract the substance of them, with a reference to the record of them in the War Office. In one, the Secretary informs General Dearborn that the last letter from General Hull was dated the 29th of July, and that reports had been received that the militia ordered by Governour Meigs of Ohio, to secure the road for conveying provisions to Detroit, had halted at the Miami of the lake, in consequence of a collection of Indians in their front. He further informed him, that every thing indicated the necessity of early and effective co-operation at Niagara, and the posts below. [Vol. 6, p. 89.]

Indeed all my letters to the Secretary of War, giving an account of my situation, and the necessity of co-operation, were enclosed by him to General Dearborn, for his information. [See Vol. 6, p. 68.] The others I will not notice; they may be found on record.

In order to make it still more apparent, that General Dearborn knew perfectly my situation, and was ordered to adopt measures for my support and assistance, I will give extracts of letters from the Secretary of War to me, on that subject. In his letter of the 26th of July, he says, "General Dearborn will

be apprized of your situation, and directed to keep up a correspondence with you, and to take measures to afford the necessary support." [Vol. 6, p. 126.] In another letter to me of the 1st of August, he says, "On the 26th of July, your letters of the 7th and 10th were enclosed to General Dearborn, with a copy of mine of the 26th, accompanied with a request, that he would make a diversion in your favour. By the mail of this evening, yours of the 29th is enclosed to him, with an instruction to make a diversion at Niagara and Kingston, as soon as practicable." [Vol. 6, p. 127, 8.]

Thus it appears, by a number of official letters from the Secretary of the department of war, to General Dearborn, from the 26th of June, 1812, to the 1st of August, and from official letters from the Secretary to me, that during that time, he was constantly apprized of my situation, and ordered by the government, not only to make diversions against the enemy, but to co-operate with me in the invasion of Canada. And it will likewise appear by a letter to me from the Secretary of War, which I shall hereafter have occasion to mention more particularly on another subject, that the force at Niagara was twenty-four hundred. It is in these words, "Orders have been given to General Dearborn, to attack the enemy's posts at Niagara and Kingston, as soon as may be practicable. Our force at Niagara, according to General Dearborn's account, will amount to twenty-four hundred; and he will notify you of such movements and operations as he may order. It is indispensably necessary that a communication should be kept up between you and the commandant, at Niagara."—[Vol. 6, p. 128, 129.]

Notwithstanding the forces which were collected on the Niagara river, notwithstanding the militia of the State of New York, and all the recruits of the army, in the northern section of the country, were at his disposal, and notwithstanding the instructions, he had received from the government, not a single man, crossed the Niagara river, from the time he received those instructions, from the latter part of June, to the 8th of August, when he agreed to an armistice, or suspension of hostilities, in which the army I commanded was not included. This measure and the effect it had on my situation, will be the subject of my next number.

## No. XXII.

It is a subject of regret to me, that in this memoir, I cannot present to you a certified copy from the records of the war office, of the original armistice or agreement between Sir George Prevost and General Dearborn, for a suspension of hostilities on the Niagara frontier; I am happy at the same time that I have it in my power, to furnish a satisfactory reason, why it is not presented, and to offer other documents, to prove its existence and contents. The following is a copy of a letter, from the Secretary of War, Mr. Calhoun.

*War Department, 25th Aug. 1823.*

SIR —Conformably to your request, I have had copies made of all the correspondence, between this department, and yourself; likewise the correspondence with General Dearborn, Governour Meigs, and Governour Scott, as far as the same can be had from the records and files of this office, and now transmit them to you. The copy of the armistice to which you refer, cannot be found on file, in this department.

I am, &c.

(Signed.)

J. C. CALHOUN.

Gen. WM. HULL, Newton, Mass.

After receiving this letter, I applied to Governour Eustis, who was at that time Secretary of the War Department, and he informed me, that it *was* received at the war office, and placed on the files of the Department. How a public document of so much consequence could be lost, appears in some degree mysterious. I shall however make no other comment on it, than to observe, that the high standing and character of Mr. Calhoun, and his prompt and honourable conduct, in furnishing me, with the other testimony, which I requested, and which his predecessor General Armstrong, had neglected to furnish, or even notice any application, forbids the most distant suspicion, of any unfair, or improper management on his part. General Armstrong was the immediate successor of Governour Eustis, who declares it was left on file in the office, and had the custody of the pub-

lic papers of the department. The following is a copy of the letter to General Armstrong, which was put into the Post Office in Boston.

*Newton, (Mass.) May 10th, 1814.*

SIR,—Having been officially informed, by the Adjutant General, of the result of the Court Martial by which I have been tried, and feeling it a duty, which I owe to my country, my family, and myself, to publish the proceedings of my trial, I request as soon as possible, a copy of the same from the War Department; which request is warranted by the 90th article of the rules and articles of war.

I am, &c.

(Signed)

WILLIAM HULL.

HON. JOHN ARMSTRONG, Secretary of War, }  
Washington City. }

This armistice had so fatal a bearing on my situation, that I must be excused, for disclosing every circumstance which had any relation to it.

To prove that this agreement was made between Sir George Prevost and General Dearborn, I will in the first place present a copy of a letter from the Secretary of War to General Dearborn, copied from the records of the war office.—[Vol. 6th, page 200.]

*War Department, August 15th, 1812.*

SIR,—Your letter of the 8th, with that of the 9th inst. enclosing a letter from Sir George Prevost, addressed to you, has been received. A letter addressed to the Secretary of State, covering a dispatch for Mr. Baker, late Secretary of legation of His Britannic Majesty, from Sir George Prevost, has also been received, and the dispatch has been delivered to Mr. Baker.

No communication having been made to this government, by Mr. Baker, I am commanded by the President to inform you, that there does not appear to him any justifiable cause to vary or desist from the arrangements, which are in operation; and I am further commanded to instruct you, that from and after the receipt of this letter, and allowing a reasonable time, in which you will inform Sir George Prevost thereof, you will proceed with the utmost vigour in your operations. How far the plan, originally suggested by you of attacking Niagara, Kingston,

and Montreal, at the same time can be rendered practicable, you can best judge. Presuming that not more than a feint, (if that should be deemed expedient) with the troops on lake Champlain, aided by volunteers and militia, can be immediately effected, against Montreal, and considering the urgency of a diversion in favour of General Hull, under the circumstances attending his situation, the President thinks it proper, that not a moment should be lost in gaining possession of the British posts at Niagara and Kingston, or at least the former, and proceeding in co-operation with General Hull in securing Upper Canada. It is expected, that the force assembled at those places, particularly at Niagara, will be such as to justify your immediate orders for an attack, or if this should not be the case, that the measures you have taken for rendering it such, will prevent any material delay. You will of course communicate your views to General Hull, and direct the commanding officer at Niagara, to be particular in giving him every information which can be useful."

Before I proceed to make any comments on this letter, I will transcribe another addressed to me by the Secretary of War, giving me the information.

*War Department, August 20th, 1812.*

"SIR,—General Dearborn has communicated to this department, an arrangement by which it was agreed between him and Sir George Prevost, that offensive operations should be suspended until the determination of the government should be made known to him, on certain information *presumed* by General Dearborn to be contained in a dispatch, transmitted by Sir George Prevost to Mr. Baker, late Secretary of legation to His Britannic Majesty in this city. It further appears by General Dearborn's letter, that he made known, and proposed to your concurrence, in said agreement, so far as your orders, and as circumstances might permit.

I am now instructed by the President to inform you that no communication, such as was *supposed* by General Dearborn might have been transmitted, has been made to this government, by Mr. Baker, or by any authorized agent of the British government, which will justify a delay, or suspension of any military operations, of which General Dearborn has been duly informed. In case therefore, you shall have entered into any stipulation

respecting a suspension of offensive operations, with the officer commanding the forces of His Britannic Majesty in your vicinity, you will conceive it to be made known to him, that such stipulation, is, after due notice, to cease and determine, and you will proceed in the same manner as if no such agreement had been entered into."—See vol. 6, p. 128, 129.

In the close of the letter, I am informed that General Dearborn was ordered to attack the enemy's posts at Niagara and Kingston, that 2400 men were at Niagara, that he was ordered to notify me of his movements, &c. which has been cited in a former memoir.

As I before observed, I never received a letter from General Dearborn during the campaign; and it appears by the letter here recited, that it was twelve days after the armistice was agreed to, before the administration wrote to me from Washington, giving me information of it.

This letter I never received, and the copy I have here presented has been obtained from the records of the War Office. Indeed, the first information I received, that General Dearborn had established a peace on the Niagara frontier was from General Brock, immediately after the capitulation was signed. Neither the administration nor General Dearborn ever gave me any information of it, which was received. Thus it appears, that by the neglect of the General, and the delay of the administration, I was kept in ignorance of a measure which so materially effected my situation and had no knowledge of it until General Brock had time sufficient to collect and march all the forces of the province against me.

Before I close this number, I will observe, that from documents here produced. I do presume you will be as well satisfied of the following facts as if a copy of the agreement had been produced; viz. that it was entered into as early as the 8th of August, and that it provided for a suspension of hostilities, on the frontiers of Canada, in which the army I commanded was not included.

Having thus proved, what were the orders of the government to General Dearborn, and the measures he adopted; in my next number, after making some general observations, I shall consider the effect they had on my situation.

## No. XXIII.

By the letter of the Secretary of War to General Dearborn, referred to in the last number, it appears, that the agreement he had made with Sir George Prevost, for a suspension of hostilities, was entirely disapproved by the President, and he was commanded to cause it to cease, after due notice. It is impossible to account for the motives which induced him to adopt the measure. All my letters, stating my situation in the enemy's country, had been sent to him by the Secretary of War. He knew that the lake was shut against me; and, by the Secretary's letter, he was informed, that a body of Indians had assembled on the road I had opened through the wilderness, and had stopped a company of Ohio militia, at the Miami, which was escorting provisions to Detroit, for the support of my army. He knew by the same letters, sent to him by the Secretary of War, that Michillimackinack had fallen; that the savages had joined the British standard, and all the northern and western tribes were marching in hostile array against me. Under these circumstances, if his own military experience, and knowledge did not teach him his duty, viz. the necessity of co operation with the forces under my command, he had before him the positive orders of the government. After making this agreement, it became impossible for him, during its continuance, to have obeyed the orders of his government, in making diversions and co-operations, without a violation of the faith he had pledged. Had he the power, by his commission, to make an agreement which would render him incapable of obeying the orders of those from whom he received his authority? I ask, then, by what authority did he make this armistice? It was not by the authority of the government, because, in my former numbers, I have cited the letter of the government, by which the measure was disapproved, in the most pointed language. But suppose, by his commission as the senior Major General in the army, a discretionary power was vested in him to make an armistice; did he in this instance, exercise that power properly, by agreeing to a measure, which totally disqualified him from carrying into effect the orders of his government? I ask you, then, my fellow citi-

zens, on what grounds this measure can be justified? If it cannot be justified on military principles, permit me again to ask you, what motives could have induced him to have adopted it? I will not even ask the question, whether it was to shield himself from personal danger, in attacking the enemy's posts, and co-operating with the forces under my command. I have too often witnessed his bravery, during the war of the revolution, to make a suggestion of the kind.

Was it the fear that the forces under my command, having first made the invasion of Upper Canada, would have shared some part of the glory, in the event of conquest?

When he was commanded by the administration to concentrate his forces at Niagara, and co-operate with me, and only make a feint against Montreal, why did he direct the principal part of them to Plattsburg and Burlington, on lake Champlain? He must have foreseen, that by agreeing to the suspension of hostilities, in the manner he did, the whole force of the enemy would be removed for the defence of that part of the province which was invaded. This he must have perceived, unless he had become giddy by his elevation, and could not discern his duty. It is possible, that it was not his expectation that the government would approve of the measure, and would have ordered it to have ceased, after giving due notice; and in such an event, before the enemy's force could have returned to Montreal, he might have advanced his forces from Plattsburg and Burlington, and taken possession of that capital. In such a case he undoubtedly supposed all the glory would be his own, and that such an achievement would have more than compensated for the sacrifice of my army.

If he were not influenced by any of the motives which have been here suggested, let me ask you, whether they were not the same, which induced him, in publishing a narrative of the battle of Bunker Hill, to open the tomb, and violate the ashes of the brave General Putnam, more than twenty years after he had rested from his patriotic labours?—a chief whose name alone was a host at the commencement of our revolution, and whose gallant deeds, are identified with the glory of our country. Putnam was then a general and Dearborn was a captain.

If he were capable of making representations intended to blast the laurels, which had so long flourished around the tomb,



of this brave commander, does it not in some measure account for his motives, in attempting to rob me of the little fame, I had acquired in following the standard of the illustrious Washington, during the war of our revolution. Every man engaged in that memorable battle is entitled to glory; and had General Dearborn been contented with the share to which his rank and conduct entitled him, no one would have been so ungenerous twenty years after his death, as to have opened *his* tomb, violated *his* ashes, or attempted to blast even the *twig of a laurel*, which *might* have been found, growing around it.

He must have known when he agreed to the armistice, that a very considerable time must elapse, even, if the government disapproved of it, before its operation would have ceased. The despatches must have travelled from his Head Quarters, to Washington, and from Washington back to Albany; he then must have given notice to Sir George Prevost at Quebec or Montreal, and have waited a reasonable time for this notice to have arrived. As the division of the army I commanded had no participation in the measure, he well knew the advantages he thereby gave the enemy in concentrating his whole force to the scene of my operations—he knew that during this period, it would not be necessary for the enemy to retain a single effective man at any of the stations, on the Niagara river, Kingston, Montreal, or any of the posts, in the eastern part of the province.—He well knew, that the whole force of the British army, in that section of territory, the militia of the Canadas, and the savages of the wilderness might be employed in opposing the offensive operations, I had commenced, and at that moment was engaged in prosecuting. He was perfectly acquainted both with my situation, and the situation of the enemy; that I was surrounded on all sides, and had no communication with my country; that by the command of lake Erie, and being in the possession of armed ships, transports, and boats, all the troops from fort Erie, fort George, with all the militia of that part of the province, might with the greatest facility, have been moved to any point, where their services were most necessary.—That two or three days would only have been required, to have transported them to Malden, or any part of the Detroit river—that by the command of lake Ontario the forces from Kingston, York, and that part of the province, with the same facility and despatch, might have

been removed to the west part of the lake, and marched to the same point—all these advantages, General Dearborn must have well known, would be given to the enemy, when he signed this agreement, for the suspension of hostilities.

In the course of these memoirs, I shall show, that all these advantages were made use of; and in consequence of this measure, which was unauthorized and disapproved by the government, the plan of the British commander succeeded according to the expectation, which was anticipated.

The measure I am now considering, my fellow citizens, had such an effect on my situation, that no apology, I presume will be necessary, for asking your very particular attention to all the circumstances, attending it.—It will be recollected from the copy of the letter of the Secretary of war, that he had received General Dearborn's of the 8th and 9th of August, communicating information of the suspension of hostilities, and the cause of it. Colonel Baynes, the adjutant-general of the army commanded by Sir George Prevost, was the officer appointed and authorized on his part to make this negotiation.—He must have arrived at the head-quarters of General Dearborn as early as the 6th or 7th of August;—consequently he must have left Montreal, as early as the first of August, the distance being about two hundred and forty miles—Sir George Prevost, calculating on the success of this measure, no doubt gave General Brock immediate information respecting it, as soon, as Colonel Baynes commenced his journey, with directions to proceed with all the forces, to Malden.—In addition to this, Major General Sheafe, marched with the forces from Montreal to Kingston, where a great part of them embarked, passed to the west part of Lake Ontario, there landed, marched to the relief of Malden, collecting the militia and savages on their march.

Thus it appears, that eight or nine days before the agreement was actually signed, all the British forces were put in motion, and concentrating to the only point where the invasion of the Upper Province had been made, and these arrangements must have been made on the presumption that Colonel Baynes would obtain a suspension of hostilities.

The inquiry now becomes important. What information had General Dearborn received by the Adjutant-General, which could have afforded even a shadow of colour for the measures he

adopted? This information was communicated by him, to the Secretary of War, and in the Secretary's letter to me, has been recited in the former number; and it is so important it should be perfectly understood, that I will here again repeat the substance of it—He says, that General Dearborn has communicated an arrangement, by which it was agreed between him and Sir George Prevost, that offensive operations should be suspended, until the determination of the government should be made known to him, on certain information, *presumed by General Dearborn, to be contained in a dispatch transmitted by Sir George Prevost, to Mr. Baker late Secretary of Legation to his Britannic Majesty in this city.*

The Secretary, further says that he was further instructed by the President to inform me, *that no communication, such as was supposed by General Dearborn, might have been transmitted, has been made to this government.* This letter, which was presumed to contain the information, was not addressed to General Dearborn, but to Mr. Baker, at Washington, and he had no other grounds for consenting to a suspension of hostilities, than a bare presumption, that it *might* contain something which *might* render such a measure proper. The grounds even of this presumption could have been nothing more, than his conversation with the Adjutant-General, and the sight of this sealed despatch to Mr. Baker, which he was requested to send to the Secretary of State, to be delivered according to his discretion. I now ask you to imagine a reason, why he did not wait for the orders of the government, before he made an agreement, which was so important in its consequences?

In my next number I shall consider the effect, which it had on my situation.

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## No. XXIV.

THE motives of Sir George Prevost, in sending his Adjutant-General to the head-quarters of General Dearborn, at this time, I think, must be evident from the statement of facts in the pre-

ceding numbers, and from considerations, which I shall now offer. At this time, no part of the enemy's country was invaded, excepting by the forces from Detroit, under my command. To repel this invasion, must have been a desirable object of the commander-in-chief of the British army. He could not withdraw his forces from the east part of Upper Canada, consistently with the safety of his posts, at Fort Erie, Fort George, Kingston and Montreal, because he well knew General Dearborn had collected, and was collecting troops, opposite to those stations. He therefore found it necessary to devise some plan, by which his troops, on those stations might be withdrawn, and employed under the command of General Brock, for the support of Malden, and the protection of the part of the province invaded, and in a manner consistently with the safety of the posts which have been mentioned. The stratagem, which has here been described, was formed by the enemy, and assented to by General Dearborn, and its success was complete. He was induced to enter into an agreement that his troops should only act on the defensive, at those stations, from which General Brock wished to withdraw his troops, and indeed which extended to the whole frontier, excepting where the invasion was made.

In pursuance of this plan. all the forces were withdrawn from the stations I have mentioned, excepting a few invalid soldiers to take care of the fortifications, cannon, &c. These forces, with the militia of the province, and all the savages which could be collected, were immediately transported by water, over the lakes to Malden and Sandwich, under the command of General Brock, as re-enforcements to the enemy's army at those stations. General Brock arrived at Malden on the 14th of August, during the suspension of hostilities below, and on the 15th marched to Sandwich opposite to Detroit, from which place I had retreated, for the reasons stated in the former numbers of these memoirs. About 12 o'clock on the 15th, I received a letter from General Brock, by Lieut. Colonel McDonnell, and Major Gregg, of the British army, who came under the sanction of a flag of truce.

*“Head Quarters, Sandwich, August 15, 1812.*

Sir—The force at my disposal authorizes me to require of you the immediate surrender of Fort Detroit; it is far from my inclination to join in a war of extermination; but you must be

aware that the numerous body of Indians, who have attached themselves to my troops, will be beyond my controul the moment the contest commences; you will find me disposed to enter into such conditions as will satisfy the most scrupulous sense of honour. Lieut.-Colonel McDonnell and Major Gregg, are fully authorized to conclude any arrangement that may prevent the unnecessary effusion of blood. I have the honour to be your obedient servant.

[His Excellency, Brigadier General Hull, commanding at Fort Detroit.

Signed ISAAC BROCK, Major General,  
commanding his Britannic Majesty's forces, Upper Canada."

To this letter, I immediately returned the following answer.

*"Head Quarters. Detroit, August 15, 1812.*

Sir—I have no other reply to make, than to inform you that I am prepared to meet any force which may be at your disposal, and any consequences which may result from an exertion of it, you may think proper to make. I am, &c.

His Excellency, Major General Brock, commanding his Britannic Majesty's forces, Sandwich, Upper Canada.

Signed WILLIAM HULL, Brig.-General,  
commanding the North Western army of the United States."

This letter was the first information that I received of the arrival of General Brock, with the forces from Fort Erie, Fort George, and the other stations on the east part of Upper Canada. Indeed it was hardly possible for me to have received the information, as he came by water with his re-enforcements, and had the exclusive command of the lake.

By my former numbers, it appears, that before I recrossed the river, I had received letters from Generals Hall and Porter, who commanded the American forces on the Niagara river, that the British forces had moved from their stations on that river, and the east part of the province, and were passing over lakes Erie and Ontario, towards Malden. In those numbers, I likewise stated how mysterious this information was. The arrival of General Brock, with the forces, still added to the mystery. It will be remembered, that I had received no information from

General Dearborn, or from any other quarter of the suspension of hostilities; and I knew that a large American force had assembled, and was assembling on the Niagara river, directly opposite to the British posts. It was likewise well known to me, that that part of the province was of much more importance to the British interest than Malden, and the territory on the Detroit river and its vicinity. It appeared to me certain, that the British forces could not have been withdrawn from those stations, without exposing them to an invasion, and to be taken possession of by General Dearborn's forces on the Niagara river, directly opposite to them, and only separated by the river. I ask you, my fellow citizens, to reflect on my situation, and consider for a moment, the embarrassments at this time occasioned to my army.

General Brock was not only the Major General of the army, but the Acting Governour of the province. Could I have believed that the Governour of the province would have left the most important part of it, without the means of defence, exposed in the manner I have stated, and liable to be invaded, and possessed by the American forces? Such an event would have been the most disastrous of any which could have happened to him. By possessing both sides of the Niagara river, we should have commanded the water communication to Malden, and the whole country above, which was the only communication on which that post, St. Joseph's on lake Huron, and indeed the whole North West Company depended for supplies. Had we therefore taken possession of Fort Erie, Fort George, and the other posts on the Niagara river, their communication would have been obstructed, and they must have perished for the want of the means of subsistence. I again ask, on what grounds I could have possibly conceived, that General Brock had left that vital part of his province, and drawn his troops from situations on whose protection their very existence depended. Had it been possible for me to have imagined the case, which actually existed, that General Dearborn had agreed to a suspension of hostilities, I should have believed it certain, that he would have stipulated, that all the troops, which were parties to it, should remain in the same situation, they were, at the time it was made, and expressly, that none bound by the armistice should be employed, against those which were not included in it. If he had

possessed any knowledge of his duty, he would have known this to have been the invariable practice in similar cases. But in fact, I did not *even* imagine, that it was possible a measure so fraught with the certain destruction of my army could have been adopted by him.

But so it was, and almost all the enemy's most important posts were perfectly safe, when only guarded by a few invalids, to take care of the barracks, &c. The Secretary of War, it will be seen by his letter referred to in a former memoir, stated, that by General Dearborn's letter to him, the General had informed me of the measure, and had proposed a similar one to my concurrence. If it were sent, it only reached me before the capitulation from the mouths of General Brock's cannon; after that event, he, (General Brock) informed me that it had taken place at Niagara, and all the other posts below were embraced in it. Perhaps it may be asked, when I perceived the forces of the enemy, of all descriptions concentrating and bearing upon me from every quarter, why I did not retreat from Detroit, and save my army from capture? as I wish to answer every inquiry, and, if possible, remove every doubt, with respect to the propriety of my conduct, I will here state the reasons. To those who are unacquainted with the situation of the country, this would probably be a natural inquiry. In the manner in which these memoirs are published, I cannot present a map of the country which was the scene of my operations. I fear it will be difficult to describe it in such a way that it will be perfectly understood. I must ask you in this case to examine some general maps of the country, from Detroit to the foot of the rapids of the Miami of lake Erie. The distance is about seventy miles. The only road through which I could have retreated, runs from Detroit as far as Brownstown, on the banks of the Detroit river, about twenty miles; and from Brownstown to the foot of the rapids, about fifty miles; in some places on, and in others near the borders of lake Erie. This road was very difficult to pass, a great part of it being through a wilderness, and had only been opened by my army, when advancing to Detroit. Its course, for seventy miles being on the margin of a navigable river, and the lake and General Brock with his army being opposite to Detroit, with a number of armed vessels, gun-boats, and a sufficient number of flats to move his troops on the water, would

have had such an advantage in attacking a retreating army, especially when aided by his numerous tribes of savages, that I then thought and I now think, that an attempt of the kind would have resulted in the total destruction of the army. With his boats, protected by his armed vessels and gun-boats, his troops might have been moved on those smooth waters with the greatest celerity, and landed in the front, rear, or on the flank. and harassed my march in such a manner that it would have been impossible to have effected it; besides we must have encountered the difficulty of passing a number of rivers without boats, and over which there were no bridges. The only places where some of these rivers could have been crossed, were near the navigable waters commanded by the enemy's naval armament, and no boats could have been provided for the purpose. There would have been no other mode of effecting the passage, but by swimming or constructing rafts, in the face of the enemy. Situated as I was, after the arrival of General Brock with the re-enforcements, I think you must be satisfied, that nothing could have justified an attempt of this kind, especially when the nature of the country, and the character of the enemy, which would have assailed my army during this long march, is considered. The reasons which prevented me from retreating and taking a position at the Miami, immediately after recrossing the Detroit river, have been stated in a former number of these memoirs. I presume this will be considered as a satisfactory answer to the inquiry.

In my next number, I shall proceed to a consideration of my situation at Detroit on the 15th of August, when I received General Brock's letter, and the position, and numbers of the enemy; after which I shall state the reasons which induced me to agree to the capitulation on the 16th. Before, however, I close this number, I must ask your indulgence, my fellow citizens, in making such observations and reflections as will naturally arise from the facts and documents which have been presented in the last numbers of these memoirs in relation to the conduct of General Dearborn.

After considering the facts and evidence which has been adduced to prove them, I ask who has been guilty of the vile and base charges which have been imputed to me? Who has been guilty of unofficer-like conduct? If I had been in General



Dearborn's situation, and *he* had been in mine, and *I* had received the same orders from the government which it has been proved *he* received, respecting the invasion of Canada, would you not have had a right to have said that *I* had been guilty of unofficer-like conduct? If thus situated, *I* had received the same orders *he* repeatedly received, to make diversions in the enemy's country, to attack their posts and to co-operate with *him*, *I* had not only neglected to obey these orders, but had agreed to a suspension of hostilities, from which his army was excluded, I ask you whether *I* could have complained of the vile charge of cowardice being imputed to me? If further, *I* had agreed to a suspension of hostilities, in the manner and under the circumstances General Dearborn did, whether it would not have afforded some colour to have supposed it was with treasonable views? I wish it to be distinctly understood, that I impute nothing criminal to him, and have made these reflections with no other view but to exhibit in a strong light, that there was not the least foundation for criminal charges against me.

For the present, I shall take a farewell of him, and if the facts and documents which have been presented shall cause any unpleasant sensations in his mind, I regret that I can offer no balm to cure the stings and wounds which his own reflections must inflict.

Before these memoirs are ended, he will again be introduced, as President of the Court Martial before which I was tried, and his conduct in that character will be particularly examined.

As you, my fellow citizens, are the legitimate and final tribunal, if you are satisfied that the facts which have been here stated, are proved by the evidence which has been offered, and that the measures *he* adopted were the cause of the misfortunes of the campaign, and the disasters which attended the army I commanded, it is to be hoped, on account of his age, his respectable connections, and his revolutionary services, your clemency will be exercised, and the punishment which would be justly due to such conduct will be remitted.

For the same reasons here expressed recommending him to your mercy, in a former number, I stated, that it would have been a happy consideration, had it been in my power to have exhibited the truth in vindication of my own honour, without any impeachment of his character.

## No. XXV.

A KNOWLEDGE of the number, and character of the enemy's forces, at the time of the capitulation, and likewise of those under my command, is so important in forming a correct opinion that I shall ask your very particular attention to an examination of both these subjects.

Before I proceed to offer you the evidence of them, it is a duty which I owe to you, and to myself, to state particularly the reasons why this evidence was not presented to the Court Martial, and why it has not before been presented to you ; and likewise, why it will not be in my power, even at this time, to spread before you, the whole which existed in the case.

The same causes have prevented me from giving a more minute detail of the transactions and events of the campaign. The reasons are the unfortunate loss of my papers, both of a public and private nature. A part of them were taken in the Cayahoga packet, the particular circumstances of which have been related in my trial.

After the capitulation, I left Detroit, a prisoner, not knowing my place of destination. One of my daughters was with me, and expected in a few days to return to my residence in Massachusetts. As I should have no occasion for these papers while a prisoner, I thought it advisable, to pack them in trunks and commit them to her care, to be carried to my home, at the place where I now reside.

A short time after, my daughter passed lake Erie in a British vessel, and arriving near Buffalo in the evening, she was put on shore at that place, with an assurance from the captain of the vessel, that her trunks, &c. should be sent to her the next morning. In the course of that night, the vessel was attacked by a party of our sailors, under the command of Captain Elliot, and in the contest was burnt. By this event, all these papers were destroyed.

The most material of these documents, were copies of all the orders I had issued to the army, from the day I took command of it, to the time of the capitulation. All the returns and daily reports, which were made to me. The letters which I had re-

ceived from the Secretary of War, and the Governours of Ohio and Kentucky. Copies of all the communications which I had made to these officers and many others ; likewise a daily journal of the operations of the army, and the events which took place during the period above mentioned ; likewise the information I had received of the numbers and movements of the enemy during the campaign.

At my trial before the Court Martial, I had no other documentary evidence, excepting what the administration was willing to furnish from the records of the government. Some papers which were necessary to exhibit a true state of facts, could not be found on the files and records of the public offices. After my trial, as I have before remarked, I applied for a copy of the proceedings of the Court Martial, and all the documents relating to the campaign, and could not obtain them. Lately, Mr. Calhoun, as I have before stated, has furnished me with copies of all the documents which can be found in the War Office. Many very important papers now, which ought to be on the files and records of the government, cannot be found ; even one of so important a nature as the armistice, entered into by General Dearborn, cannot be obtained. This fact is certified by the present Secretary of War, in his letter to me, which has been published in a former number. My orders to the army, daily journal, reports, and letters, giving me accounts of the numbers and movements of the enemy, and many other important documents are irreparable losses.

The destruction of this vessel is a subject of public notority, and were it necessary, the testimony of my daughter, and others who assisted in packing the papers, and who well knew the contents of them, might be here added. I will not encumber these numbers, at present, with this evidence. If the truth of these facts shall be doubted by any reader, the evidence shall be published.

Some of the Adjutants preserved their orderly books, and I requested the Judge Advocate to direct them, when they were summoned as witnesses, to produce them. They however, either forgot them, or did not incline to present them to the Court.

I will here recite the circumstances of another important document which I could not obtain, at the time of my trial, which

has been referred to in a former number, and I will copy from my defence, the statement and evidence which I offered to the court martial, respecting it.

"A few days after I was appointed to the command of the North Western Army, I presented another memorial to the President, through the war department, in which I was explicit as to what might be expected from such a force as I was to lead; as to the necessity of reinforcements; of our commanding the lake; and, of a co-operation in other quarters.

"My draft of this memorial I have lost, in the way I shall hereafter explain. The existence of the original and its general purport, is proved by Mr. Eustis, who in his answer to the 6th and 7th interrogations addressed to him, says, 'I have a perfect recollection of your having presented the memorial referred to in the interrogatory.' 'I recollect,' he adds, 'your attendance by appointment, at the War Office. The memorial or that part of it which related to the naval defence of lake Erie, was referred or communicated, to the Secretary of the Navy, who was present. The brig Adams, which had been employed as a transport, under direction of the war department, became the subject of conversation. Whether she was (being then on the stocks repairing) actually transferred to the Navy Department, I do not distinctly recollect. If that was the case, the evidence is on record.' Yet this memorial, or a copy of it, I have never been able to obtain.

"I have applied for it to the Secretary of War, he referred me to the Secretary of the Navy; the Secretary of the Navy to Mr. Dallas, [who was then employed by the administration in the prosecution against me;] to him I applied, and he referred me to the present Judge Advocate, who knows nothing of it. And finally when my trial commenced, I addressed a letter to the President of the United States, requesting him to interfere his authority to procure me a document, which I considered so important in my defence. It was, sir, too much for me to have expected an answer from the President himself, though the time has been, when such an answer would not have been considered as conferring too great an honour. The President referred my letter to the gentlemen at the head of the War and Navy Departments. They also would not condescend to answer my letter, but handed it over to their clerks. I ask, would it not

have comported with the importance of the occasion, the decorum due an old man and a veteran soldier, not yet convicted of any crime, for the Secretaries themselves to have addressed me? But in answer to my letter, I received a letter from the chief clerk in the War Office, dated the 12th of February, 1814; with a certificate from the chief clerk in the Navy Department. The letter from the War Office, is in the following words :

*“ War Office, February 12th, 1814.*

SIR,—Your letter of the 1st inst. addressed to the President of the United States, has been referred to me. In answer to which I have the honour to state, that all your communications to the War Department, after you were appointed Brigadier General in the army, have been transmitted to P. S. Parker, Esq. Judge Advocate of the Court Martial, now sitting at Albany, together with such others as you had required, as far as they could be found on the files of this office. The public records of papers of the War Department have been constantly within my observation and charge for several years past, and I assure you, Sir, I have never seen or heard of a memoir pointing out the necessity of a navy on lake Erie. Since the receipt of your letter, I have carefully examined the files, and enquired of every gentleman attached to the department without being able to give any information on the subject.

I have the honour to be,

Sir, very respectfully,

Your O<sup>bt</sup>. servant,

DANIEL PARKER, C. C.

Brig. Gen. WM. HULL, Albany.

“ It is unaccountable, that a public document of this nature should be lost. That it did exist, and was on the files of the war office, is proved beyond controversy, by the deposition of the late Secretary of War, who declares that he has a *perfect recollection of it*. But a most extraordinary part of this letter from the War Department, is that which states, that the writer has had the public records, and papers of the War Department constantly under his charge and observation for several years past; yet, that he never knew or heard of a memorial, pointing out the necessity of a navy on lake Erie. It is a fact hardly to

be credited, that a copy of the memorial of the 6th of March, 1812, from which I made that copy which I have just read to the court, is certified as a true copy from the files of the War Office, *by the very gentleman*, who writes me the letter of the 12th of February. Let me quote from the memorial of the 6th of March, or rather from the copy certified as I have mentioned above, a passage which is in the following words :

‘If, sir, we cannot command the ocean, we can command the inland lakes of our country. I have always been of opinion that we ought to have built as many armed vessels on the lakes as would have commanded them. We have more interest in them than the British nation, and can build vessels with more convenience.’

“When the writer of the letter had certified a copy of this memorial but a few days before, how could he say, that he never knew or heard of a memorial, (from me to the government) pointing out the necessity of a navy on lake Erie?”

I shall more particularly feel the loss of the documents which were destroyed in the vessel, in a future paper, in which I shall state the number of the effective force, under my controul, at the time of the capitulation. Perhaps you may think it an intrusion, and I certainly feel a degree of humiliation, in asking your attention, one moment to my private losses, and my private misfortunes, as respects property. This I should not do, had it not been rumoured, and probably believed by some, that I had been influenced by the base and grovelling motives of self-interest, in the measures I agreed to, as the commanding General of my country's forces. The bare mention of the subject excites the most indignant feelings, and I believe no just and honourable man, who ever knew me, for a moment entertained an opinion of the kind. In the year 1805 when I accepted the office of Governour of the territory of Michigan, I disposed of all my property in Massachusetts, excepting the farm on which I now live, which I hold in right of my wife. After paying my debts, a considerable sum remained. This was transferred to the Michigan territory. Before my arrival, the town of Detroit was burnt, with all the public buildings, in one of which I was to have resided. For my accommodation I was obliged to build a house, and engage mechanics in this part of the country. Under the circumstances of the territory, com

accommodations were provided at very great expense. All the property which I possessed, excepting the farm I have mentioned, was vested in that country. All this property I have since sold, and the proceeds of it, have not been one third part as much as I carried to the country.

During my command of the North Western army, no military chest was furnished, and I never received one dollar from the government to defray the necessary contingent expenses of the army. The Secretary of War, placed in the bank of Pittsburg, ten thousand dollars to my credit, for defraying these expenses, and gave me notice accordingly. At that time there was little or no communication between Pittsburg and Detroit, and I could not obtain money for bills on that Bank. I made use of my own money and credit to defray those necessary expenses to the amount of sixteen hundred dollars, on the credit of the ten thousand, which was thus deposited. For this sixteen hundred dollars, I took regular vouchers, which were with my other papers, and were lost in the vessel, as before stated. As soon as the administration, received information of the capitulation, the whole of this ten thousand dollars was withdrawn from the bank, by the Secretary of War, and I never have received the sixteen hundred dollars or any part of it, which I disbursed for the public, to defray these necessary expenses. I have presented my account, and evidence to show, the once existence of the vouchers, and the manner in which they were lost. The objection to an allowance of the claim, by the auditor is, that as I am not a public defaulter, and owe the government nothing, he is not authorized to hear the evidence, with respect to the loss of the vouchers, as the government will have money to pay, provided the account were allowed. But if on the other hand I had been a public defaulter, the auditor in that case would be authorized to cancel the demand of the government, on being satisfied with the loss of my vouchers.

I do not now possess more property than is sufficient to pay my just debts, excepting the farm on which I live, which as I before observed, I hold in the right of my wife. And I can say with truth, had I not been so fortunate as to have lived among friends, and experienced their generosity, it would have been impossible for me, on my farm, at my age, for twelve years past, to have supported my family, with common decency.

I have made this statement to satisfy you how much I have been injured, and to repel the base and wicked insinuations, which have been more than rumoured against me. It will be easy for me to produce evidence of all these facts, if any one desires it.

It is only necessary to look at the newspapers of that day, to prove the pains which were taken to excite your prejudices against me.

Every skipper of a boat, every unprincipled adventurer, and follower of the army, who was at Detroit, and every drunken soldier who was returning home, were placed in requisition, and taken before magistrates, and oaths were prepared for them, with respect to the number of my army, and the number of the enemy, and the boxes of gold, which were carried to my house, as the consideration for the capitulation. After keeping me nearly two years in arrest, and during that time, searching for evidence to prove the charge of treason against me, the Court Martial was obliged, as not the faintest colour of evidence appeared, to acquit me of that charge, and all the specifications under it. I must be excused, my fellow citizens, for this digression, and defer the evidence, with respect to General Brock's force to my next number.

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## No. XXVI.

BEFORE I relate the events of the 16th of August, 1812, and assign the reasons, which induced me to agree to the capitulation, I will ask your attention,—

1st. To the position which General Brock had taken, on the 15th, with his army.

2d. To the number and character of the forces, which were under his authority and controul, which were in suitable situations, and might have immediately been ordered to re-enforce his army, with the most perfect safety to his other posts, before it would have been possible for me to have received any assistance.

3d. To the number and character of the forces, with which



he actually invaded our territory on the morning of the 16th of August.

With respect to the position he had taken, it was at Sandwich, on the opposite bank of the river, more elevated than the fort of Detroit, and from which, with his cannon and mortars, he could throw shot and shells into the town and fort.

With respect to the number and character of the forces, which were under his authority and controul, which were in suitable situations, immediately to re-enforce his army before I could have received any aid, it is to be observed, that he was not only the General of the army, but the acting Governour of Upper Canada, and had the superintendence and direction not only of the numerous tribes of Indians, who resided in the British dominions, but likewise those who inhabited our territories, had joined his standard. Consequently all the British troops, in the different stations, at fort George, York, Kingston, fort Erie, and Chippewa, with all the militia of the province, and all the Indian warriors, in the northern and western region, were subject to his controul and authority.

In addition to these sources of strength, the numerous retainers of the wealthy and powerful Northwest Company, were called from their stations, and hunting grounds, and offered their services, after the fall of Michillimackinack, in the reduction of Detroit. It is well known, there are more than three thousand men employed by this company, and that their supplies are carried over lake Erie, and pass up Detroit river, and that their existence depended on keeping open that communication. And it appears by Mr. McKenzie's letter, one of the principal agents of that company, which has been recited, that they were prepared, with numerous hosts of savages, to proceed against Detroit, whenever their services should become necessary. It further appears, by the letter of the Secretary of War to General Dearborn, which has been recited, that the savages had assembled on the road, which I had opened from Ohio, and had stopped the militia which were escorting provisions to Detroit. I will here recite an extract of a letter, which I received from Colonel Anderson, who commanded at the river Raisin, dated the 4th of August, which was in evidence on my trial, and is to be found in the 20th page of the appendix.

"I am doubtful if the mail is not taken, but I hope not. I do

all in my power to keep up the spirits of the inhabitants, which is all but exhausted. There is forty men on guard and patrol at this place, and ten at the other Creek, and will continue the same until further orders. We are short of ammunition, if attacked, please to keep a little for us, if possible. I understand by good authority, that numbers of Indians, are passing on the heads of this river (meaning the river Raisin) and river Huron, on their way to Malden; and I think if some plan is not taken soon, that they will be in thousands at that place before long, &c. &c.

(Signed)

JOHN ANDERSON.

P. S. In behalf of the inhabitants, I request you will not order away any of the people from this place; for we are too few for its defence. If it was possible to be succoured, would be best.

(Signed)

J. A.

This letter was received after the reduction of Chicago, and it appeared that the Indians, who had taken that fort, with those from the western region, were marching to join those at Malden.

With respect to the British troops, militia, and savages of the province, they were unnecessary at any other stations, because the armistice entered into by General Dearborn was then, and had been for eight days in operation. General Brock left the vital part of the province, where General Dearborn had established a peace, and commanded in person the expedition against Detroit. He was a Major General in the British army, and had a high reputation as a military officer. On the success of this enterprize, not only his military fame, but the protection and safety of his province depended. Having these sources, and the means of augmenting his army, under his controul and authority, I ask you whether it is possible for you to believe, that he did not make use of them, and assemble and order under his immediate command, before he made the invasion of our territory, a force competent to the object? At this time, I had received no information of the armistice; yet I had received information from Generals Hall and Porter, who were in command on the Niagara river, that all the forces of every description from the east part of the province, were proceeding to Malden.

When, therefore, General Brock had the means of augmenting his army, with perfect safety to the other parts of his pro-

vince, to at least ten times the number of those under my command, and when on the 15th he appeared on the bank of the river at Sandwich, opposite to Detroit, and summoned me to surrender the Fort of Detroit, and not only declared in his summons, that his force justified him in making the demand, but that the tribes of savages, which had joined his standard, were so numerous, that it would be impossible for him to restrain them, the moment the contest commenced. I ask you, fellow citizens, whether the facts here stated, did not afford strong reasons for me to believe, that his forces were much superiour to mine, and competent to the object, which he had in view ?

To this summons, I however gave a decided answer, that I should defend the fort ; hoping to be able, before he made the invasion, to collect at Detroit, the detachment under the command of M'Arthur and Cass, which had marched to the river Raisin, and other detachments, which were absent on other duties. And I now again ask you, whether his landing with his army the next morning, did not afford additional evidence of the competency of his force ?

The moment I received information of the arrival of General Brock, I sent orders to M'Arthur and Cass, immediately to return to Detroit, and stated the reasons. On the morning of the 16th, when the invasion was made, I had received no information from them. The route they marched, as I have before observed, was about fifty miles through a wilderness. They were sent to procure the means of subsistence, for my army. \*To satisfy, how easy he might have increased his numbers, I refer you to the testimony of Captain Eastman, of the 4th regiment, who was a witness in behalf of the administration ; "that he was at Detroit, and says that fourteen hundred Indian warriors, arrived as re-enforcements, a few days after the capitulation, from two stations only, viz. Saganau and Michillimackanack." The facts and circumstances here stated, furnish you with solid materials, to form a general estimate of the force, and strength which General Brock, at this time, had it in his power to have brought against me ; and I believe you will be satisfied that he availed himself of the advantages of collecting as large a force, as he deemed necessary for the object.

\* See page 100 of my trial.

In making your estimate on this subject, you will recollect, the orders General Dearborn had received, immediately after the declaration of war, to order the troops under his command to the Niagara river, and other suitable situations for the invasion of Upper Canada, and he was likewise ordered only to make a feint against Montreal, and not even a feint against Quebec. Fort George, and all the other British posts, on the east part of Upper Canada, being thus threatened with invasion, and Quebec and Montreal, &c. not even being threatened, it requires no evidence to prove, that the principal part of the British forces were drawn from those lower stations, to re-enforce and support those which were in danger.

From these facts, it may very fairly be presumed, that the principal part of the British forces were at these stations on the Niagara river, directly opposite to General Dearborn's army and only separated by the river. Let me then in the first place ask you, after peace was established with General Dearborn, to make your estimate of the British force, which General Brock might with the most perfect safety, have carried with him to Malden?

In the next place, the population of Upper Canada at that time, was about one hundred thousand inhabitants. If only every tenth inhabitant was on the militia, the number would have amounted to ten thousand. I ask you to consider, under the quiet and peaceable circumstances of the east part of the province, what number of militia, the British General and Governour, might have taken with him in his expedition for the defence of the only part of his province which was invaded?

Being the superintendant of Indian affairs, within the British territories, and the numerous tribes of savages within our own country, having joined the British standard, I ask you to calculate what number of this description of force, it was in his power to have assembled, for his assistance? From knowledge of the wealth and influence of the Northwest Company, and the numerous *Engagees* in their service, and the deep interest they had in opening the communication through the Detroit river, through which channel, they received their supplies, you will be able to judge what aid, he might have received from that important establishment.

After the fall of Michillimackinack and Chicago, the forces

which reduced those places, could have had no other object, excepting the reduction of Detroit. and those from Michillimackinack were descending the upper lakes, for the purpose, as appears by Mr. McKenzie's letter, and other testimony, and those from Chicago, and the western wilderness were marching to the same place, as appears by the letter of Colonel Anderson, who commanded at the river Raisin, which has been recited. The river Raisin, it will be seen by looking on the map, is in the direct course from Chicago to Malden.

I have taken this view of the subject, fellow citizens, to furnish you with facts and materials, to assist you in forming a correct judgment of the forces, which the British General, had it in his power, to have assembled, for the invasion of our territory, before I could have received any assistance, from any quarter whatever. Perhaps I may be censured by critics, for repetition and digression. I have no other object in writing, but to communicate the truth, and have it distinctly understood by all classes of my fellow citizens, even by the youngest children who attend our schools and to correct the erroneous statements which have been published. It is a fact which will appear evident from the testimony, which has been, and will be presented, in the course of these memoirs, that many of the school books which are made use of for the education of the rising generation, contain the grossest falsehoods on this subject. It is a misfortune, which every good man will lament, that such books should be admitted into these most valuable of all our institutions, and that any of the rising generation should be taught error and indeed falsehood, instead of justice and truth, with respect to the history of our happy and prosperous republic.

I shall now ask your attention, to a consideration of the evidence, which I shall offer, to satisfy you of the number of the forces, with which General Brock actually crossed the Detroit river, and invaded our territory on the morning of the 16th of August.

In addition to the re-enforcements, which attended him, from the east part of the province; he had all the forces which were at Malden, when he arrived; to ascertain that number, I will here offer to you the same evidence, which my prosecutors made use of at my trial, (viz:) the testimony of Lieutenant Forbush. Lieutenant Forbush was made a prisoner, in the Cayahoga pack-

et, the 1st day of July, and remained at Malden until the 16th of August; he was then a Serjeant, and was promoted by the administration, to the rank of Lieutenant, two grades, before he gave his testimony. He was selected and examined by the Judge advocate, to prove the numbers, which were at Malden, at the time mentioned, and which had been there, from the 1st of July. I only examined him to prove the circumstances of the vessel being taken, and to ascertain the number of Indians, he counted at Malden, on the 15th of August. His testimony was as here follows.

"I was then Sergeant in the 4th regiment of Infantry, and had charge of the sick and of the hospital stores. The enemy permitted me to go about the works at Malden, and I was little restrained. I took every opportunity I could of counting them. The regulars, when I arrived, were from eighty to an hundred. From two hundred and fifty to three hundred militia. Perhaps three hundred to three hundred and fifty Indians." This force amounting to seven hundred and fifty, was at Malden, on the 1st day of July, when my army was opening a road in the wilderness, seventy miles from Detroit, and before I had received any information of the declaration of war.

Lieutenant Forbush then, being asked by the Judge Advocate what number of troops arrived at Malden afterwards, answered, "There were in the Hunter thirty regulars, and in the Lady Prevost from thirty to forty regulars. This was about the 20th of July; and after the battle of Brownstown, there were three hundred arrived in red coats." These regulars, or red coats, amount to three hundred and seventy, which added to the seven hundred and fifty which he testifies were at Malden the 1st of July, makes the number eleven hundred and twenty. He then says, "he counted in one body, on the 15th of August, six hundred Indian warriors, passing up, (that is from Malden to Sandwich) some on horse-back, and some on foot." He further says, that from the 20th to the 30th of July, many of the militia went to their farms and returned, making as many as before; he then says, nine hundred was the whole force at Malden, exclusive of the red coats. By his former testimony, given in detail, the red coats amounted to four hundred and seventy—add this to the nine hundred, makes thirteen hundred and seventy—add to this number the six hundred Indian warriors, which

he counted at one time, and at one place, at Malden, on the 15th, and it makes the whole number nineteen hundred and seventy.

I wish this subject, viz. the numbers at Malden, exclusive of the re-enforcements which arrived with General Brock, to be distinctly understood. General Brock, the latter part of the night of the 14th of August, marched from Malden to Sandwich, with the British troops and militia, and arrived early in the morning of the 15th; and hundreds of witnesses might be produced to prove, that a large body of Indians attended his army, and arrived at Sandwich at the same time. They were seen, indeed by my whole army on the opposite bank. I have stated this fact, because it may be possibly said, that the six hundred Indian warriors which Lieutenant Forbush counted at Malden on the 15th, and which on that day marched to Sandwich, was the whole of the Indian force. Those which he counted on the 15th at Malden, could have been no part of those which marching with General Brock, and were at Sandwich early in the morning of the same day, the distance being eighteen miles. I have made this statement, because three hundred and fifty Indians, by Lieutenant Forbush's testimony, were at Malden on the 1st of July, and were included in the whole number of nineteen hundred and seventy, which is made by a calculation on the details of his evidence. On the facts here stated, the judicious reader will be able to form a satisfactory estimate.

With respect to the militia at Malden, there is no fact which can be more indisputable as to their number. Between the 20th and 30th of July, many of them deserted and came to my camp. Their uniform testimony was that when the approach of our army was known, *one thousand* was ordered by the government to be detached, and re-enforce the station at Malden, and that nine hundred out of the thousand ordered, actually arrived. It is a well known fact, that about the 30th of July, a proclamation of pardon was issued; and by the testimony of Lieutenant Forbush, it appears they all returned. Many copies of this proclamation were seen in our camp; and besides the evidence I have here stated, complete proof of the number of militia detached for the defence of Malden, may be found on the records of Upper Canada. Thus it appears, by the the testimony of Lieutenant Forbush, when examined by the Judge Advocate, the whole

number at Malden was nineteen hundred and seventy, before the arrival of General Brock, with the re-enforcements which attended him from the east part of the province. As I have no evidence to determine precisely what those numbers were, I must leave the estimate to your judgment, under the circumstances which have been stated, as it was peace in that quarter, and there was no occasion for any force whatever for the defence of that part of the province. In addition to the forces at Malden, and those which he brought with him, he had all the sailors and marines which belonged to his navy, which, on the 15th of August, was anchored in the Detroit river, between Sandwich and the Spring Wells. Having stated the number of vessels, with the number of cannon mounted on them, and likewise a number of armed boats, suitable for those waters, and we having not a single armed boat to annoy them, and as consequently, the whole of their crews might have been, and actually were, employed in the land service, I leave it to your judgment to determine their numbers. The detachment of British troops which marched across the country, under the command of Major Chambers, with artillery, collecting the militia and Indians on his rout, joined General Brock at Sandwich. This number must have been several hundreds. On the river Le Trench was a large settlement conveniently situated to join his forces and the militia of that settlement were seen with the invading army at the time of the capitulation. From the facts here offered, and the evidence produced, you will have the means of forming for yourselves an opinion, with respect to his numbers at Sandwich, on the 15th of August.

I will now state the testimony of Colonel Snelling, who was only a captain in my army, who had been promoted by my prosecutors, who was depended on as a leading and principal witness in behalf of the prosecution, and had become my most malignant enemy. His testimony of the numbers of General Brock's army, on the 16th of August, the day of the capitulation, is as follows. I shall transcribe it, verbatim et literatim, and it is to be found in the 40th page of my trial. He says, "that he stood at the corner of the slip leading to the gate of the fort, and attempted to count the British troops on entering the fort; that the troops in advance were the 41st regiment, in platoons of fourteen files as well as the York volunteers, twen-



ty-nine platoons, two deep in red coats; that the militia platoons, which were in the rear, consisted of no more than seven or eight files, and composed one third part of the whole force, probably seven hundred and fifty whites; of which the remaining two thirds were regulars and ununiformed militia."

Here Colonel Snelling swears, there were three descriptions of troops, viz. the British 41st regiment, the York volunteers in uniform, and the militia, not in uniform. He says the 41st regiment and the York volunteers formed twenty-nine platoons of fourteen files in each platoon, two deep, and in red coats. He then says, that the militia platoons, which followed in the rear, consisted of only seven or eight files. He does not say how many platoons the militia consisted of, but only mentions the number of files in each; and then states their whole number to be seven hundred and fifty, which was one third part of their whole force. He then says, in these identical words, that the remaining two thirds were regulars, and uniformed York volunteers.

By this evidence, it appears, that the regulars and York volunteers, in uniform amounted to only fifteen hundred; to which add seven hundred and fifty, which was the number of the ununiformed militia, and was one third part of the whole white force, makes the whole force of regulars, uniformed York volunteers, and militia, two thousand two hundred and fifty.

In this number the Indians are not included; for, in his further testimony, he says, he supposed the Indian force was more than one hundred and fifty, although he only saw that number, drawn up to fire a salute, as he understood. As he says that he saw only one hundred and fifty drawn up in a body, to fire a salute, and supposed there were more, no correct estimate can be formed of the Indian force from his testimony.

As Lieutenant Forbush counted, at one time, and in one place, in a body, six hundred Indian warriors, on the 1st of June at Malden; and as it is well known there was a large body at Sandwich, at the same time, with General Brock, the testimony is positive that there were six hundred: for when they were counted, they were marching to join the General at Sandwich. What number were before with the General, I can not give an exact account.

Only by adding the six hundred, and leaving

the  
hole

marched up with General Brock out of the estimate, would make his whole number, on the morning of the 16th, two thousand eight hundred and twenty-five. These were the troops which marched into the fort, excepting the Indians. It is well known a number were left in the forts on the opposite bank, as there was an incessant fire from those forts, until the capitulation took place, and they were distinctly seen. I have no document to show the exact number left on the opposite bank. It is likewise well known, that as soon as the capitulation took place, and before the troops marched into the fort, guards were placed around the town and fort, to prevent the Indians from taking the horses into the woods, and likewise to protect the inhabitants from them. This is the positive testimony of the witnesses in behalf of my prosecutors, stated in detail, and the calculation is made on the facts to which they testified. From examining the whole of the testimony which they gave on the other charges, it will be seen that they were no friends to me, and that they wished to make General Brock's force as small as possible.

Major Jessup and the other witnesses, who were examined on this subject, said they did not count the enemy's forces, and did not know their numbers, and could only state their general impressions. Whatever those impressions were, ought not to have weight against the positive testimony of those who counted them. Even any opinions which may have been expressed by those who counted them, ought not to have influence, if they vary from the detailed facts to which they testified. It only shows they were not correct mathematicians. I have suffered so much by the opinions of interested witnesses, that I hope correct calculations will now be made on facts, and on them judgment will be formed. It was my intention, in this number, to have stated and given you evidence of my force at this time, but I find it cannot be contained in one paper. I must therefore defer it to the next, with the hope that this will particularly be kept in mind when the next is presented.



by the army in its march through the wilderness, and garrisoned by the troops; their situations may be seen on some of the maps of the country recently made; that a stockade fort was likewise built on the bank of the Miami, and a subaltern officer and thirty men were left for its defence, by order of the Secretary of War.

That about sixty were made prisoners in the vessel, on her passage from Miami to Detroit, under the command of Lieutenant Forbush: as he says there were as many as the vessel could carry, which must have been at least that number. [See Lieutenant Forbush's Testimony, page 145 of my trial.]

A number were left sick at the river Raisin; having lost my papers as before mentioned, which contained the daily reports of the sick, and the state of the troops, I cannot ascertain the exact number; according to my best recollection it was not less than twenty-five, and they never afterwards joined the army. In several rencounters near Malden, a number were killed and wounded—the exact number I cannot ascertain for the reason above stated.

On the 4th of August, according to the testimony of Lieutenant Colonel Vanhorn, a detachment under his command was attacked by the Indians near Brownstown, and eighteen were killed, twelve wounded, and above seventy missing, a part of which number afterwards returned to the camp. [See report of my trial, page 70.]

On the 8th of August, in the action on the bank of the Detroit river, between Maguago and Brownstown, where Colonel Miller commanded, the killed and wounded on our side was eighty-one, according to Colonel Miller's testimony. [See page 108, of the report of my trial.]

I will now consider the situation of the detachment under the command of Colonels McArthur and Cass at this time. On the 14th of August, this detachment marched from Detroit, and as Colonel Miller, with six hundred of the best men of the army, on the 8th of August, had not been able to open the communication to the river Raisin, I directed these two Colonels to take all the effective men of their regiments, and make another attempt. Having received information that there was an Indian path through the wilderness, to avoid being attacked from Malden, in passing that garrison at Brownstown, I thought

it expedient to direct Colonel McArthur to take that rout. On this rout, the distance from Detroit to the river Raisin was about fifty miles.

At this time, not having received information of the arrival of General Brock, with the re-enforcements from fort Erie, and a number of cattle having arrived at the river Raisin, for my army, guarded by a company of militia, I then thought, and now think, under the circumstances which existed, the measure of ordering this detachment was expedient. On the morning of the 16th, when General Brock landed at the Spring Wells, under cover of his naval armament, I had received no information of this detachment; I had therefore the strongest reasons to believe, as they had been absent two days, that they were at that time at the river Raisin, fifty miles from Detroit, the rout they marched, and thirty by the way of Brownstown. As Colonels McArthur and Cass were going themselves on this hazardous enterprize, and as they had an authority to select all the effective men of their regiments, I ask you whether, under these circumstances, they would, and did not take all that they thought would be useful and necessary to effect the object. There is another reason which is conclusive, in my mind, that they did. On the 15th of August, after I had received information of the arrival of General Brock, the remainder of these two regiments which were left behind, were paraded, and I examined them: the number was very small, and I saw none but sickly invalids.

I believe the situation of this detachment, which must have amounted to more than four hundred of the most effective men of the Ohio regiments, will, by every candid reader, be considered such, that in case of an action at Detroit, I could have had no assistance from them.

Colonel Cass, in his letter to the government, stated, that the number in the detachment amounted to three hundred and fifty. Colonel McArthur, in his testimony before the Court Martial, says, he received an order from me to detach from his regiment one hundred and fifty.

I ask why he did not produce the order to prove the fact?

The loss of my papers, in the manner I have stated, is the reason why I do not produce it.

Having thus stated the numbers, which were ordered for

my command, by the government, it will be proper in estimating my forces on the 16th of August, to deduct, those which were left to garrison the block houses; those who were made prisoners in the vessel on the 1st of July, those killed, wounded, and missing, in the different actions at the river Au-tanard, and at other places, between Sandwich and Malden; and likewise, those who were killed, wounded, and missing in the two actions at Maguago and Brownstown, where Colonel Vanhorn and Colonel Miller commanded.

When you have before you the fact, proved by the testimony of Colonel Anderson, who commanded the militia at the river Raisin, that the whole of them were not sufficient for the protection of that settlement, and he requested succour from Detroit, for safety to the inhabitants; when you likewise consider, that in addition to the militia at the Miami, I was obliged, by the orders of the government, to leave an officer and thirty men, for the protection of that settlement; when you likewise consider the scattered situation of the other inhabitants of the territory, surrounded by Indian villages, on all sides of them; and further that a part of those belonging to the settlement at Detroit, joined the British forces, as soon as they landed; and the further information, I received, that the whole would desert and join them, I cheerfully submit to your judgment, under these facts and circumstances, whether I had a right to calculate on any assistance from these militia;—and rather, as I had been informed a part of them had joined the enemy, and their Colonel gave it, as his opinion that the whole would join them, whether I had not grounds to believe, that they would add to the enemy's force.

In making your estimate of my effective force, it will be proper, and I am sure you will take into consideration, that as it was then the middle of August, the sickly season of the year; and as, by the capture of the vessel, we had lost all our medical stores, and there was no possibility of obtaining the least supply, from any quarter whatever, and as the country was liable to agues and fevers, that a proportion of the troops, must have been sickly and non-effective.

I have presented this statement, to furnish you with the means of determining, how much my army must have been reduced, on the 16th of August, and of comparing the opinions, you may

form on the facts thus exhibited, with the other evidence, I shall now offer.

The evidence, which I shall now offer, is the evidence of Major Jessup, who then acted as the Adjutant-General of my army, and is now the Quarter-Master General of the United States.—With respect to other testimony, I have referred to the report of my trial. I have done this, because, that book is in circulation, and any reader, who is desirous of comparing the documents, and evidence, which I have stated, can more easily obtain it, and make the comparison, than from the records, in the office at Washington, where is to be found only one copy, and that in manuscript. Colonel Forbes, who published the Report, was one of the members of the Court Martial, and the documents, as well as my defence, were furnished him, by the administration, from the records of the government.

As Major Jessup was the acting Adjutant General, it was his official duty, to make a return to me, when ordered, of the *whole* force, under *my* command—He was ordered at this time, to do it. In examining his testimony, I find there is a variance, between the report of my trial, and the copy I have obtained from the Adjutant-General's office, taken from the records, by an order from Mr. Calhoun, the Secretary of war. I shall therefore transcribe, precisely from both, that the variance may be seen, and if one is more favourable to me than the other, that I have no disposition, to take advantage of it.

In the first place I will transcribe from the report of my trial, his testimony with respect to my numbers—It will be found in page 94. "Major Jessup stated, that he had received a report from different Adjutants of different corps, estimating the men, fit for action, and thinks that the amount, (as stated in General Cass' letter) exceeded a thousand men, including the Michigan militia of four hundred, and the detachments absent with Colonels Cass and McArthur; perhaps, this estimation, includes the Michigan legion, which on an occasion, when he had two companies of them under his command, behaved as well as any troops he ever saw, having formed on an island, where some fighting was expected, in the most regular manner.—There were also on the evening, of the 15th about thirty or forty armed wagonners."

Before I make any comments, I will transcribe the same evi-

dence precisely, from the copy I received, from the Adjutant General's office. It is as follows :—

“On the evening of the 15th, I received an estimate, of the Adjutants of the different corps, of the men, fit for action. The force, I think, exceeded a thousand. I gave Colonel Cass a statement of it the next day after the surrender. I subsequently saw a letter published, said to have been written by Colonel Cass, in which the number was stated, I think, according to the statement I furnished him. I am not certain whether the Michigan legion were included in the estimate, but the militia were not. It is my impression that the Michigan legion were. I suppose there were four hundred at least of the Michigan militia under arms at the time, and I believe there were more. I was once out on a detachment, with a part of the Michigan legion,—we had to go on to an island, where we expected to be fired on, the moment we landed. They landed and formed with as great regularity as any regular troops I ever saw.” He then mentions the same number of armed waggoners, as stated in the report of the trial.

You here have before you, fellow citizens, the number of forces ordered for my command by the President, in the first instance, and the various casualties by which it was reduced. You likewise have the testimony of the Adjutant General, the official officer, whose duty it was to make a return of the whole number to me.

In the first place, my fellow citizens, as I stand before you as judges, and I know that I *now* stand before a candid, impartial, and intelligent tribunal, I ask you to make your calculations, of the numbers of my effective forces at Detroit, on the 16th of August, on the facts which I have exhibited, viz. the number and quality of troops ordered by the government ; the few unauthorized volunteers, who joined the army on the march ; the few regulars, which had been stationed in the fort of Detroit, in time of peace ; and the militia which could have been drawn from the whole population of the territory, which population consisted of little more than four thousand souls. From this force then deduct the number left in three block houses, and a stockade fort, at the river Miami, established to assist in preserving the communication to Ohio ; those made prisoners in the Cayahoga packet ; the sick which were left at the river



Raisin ; the killed and wounded at several rencounters, at the river Au-Canard, and between Malden and Sandwich ; the killed, wounded and missing, in the action at Brownstown, under the command of Colonel Vanhorn ; likewise the killed and wounded in the battle between Maguago and Brownstown, under the command of Colonel Miller ; likewise Colonels McArthur and Cass' detachments, which marched on the 14th of August, to the river Raisin, to open the communication, and obtain provisions ; and likewise the state of the Michigan militia—that a part of them had joined the enemy's forces, with their arms in their hands, when they first landed, and the information I had received from their Colonel, that the whole number would join them ; likewise the number which at this season were sick, being without medicine, or even necessary comforts. Of all these facts, you have evidence, in the course of the foregoing numbers ; and without giving any opinion, I ask you to form a judgment for yourselves.

I shall now consider the testimony of Major Jessup, the official officer, and acting Adjutant General, on the subject of the numbers of my army at this time.

He says, that on the 15th of August, he had received a report from the Adjutants of the different corps, and the amount exceeded a thousand men, (as stated in General Cass' letter.) That letter stated the number, by that report, to be a thousand and sixty. Colonel Cass' letter, however, ought not to be considered as any evidence. He was not under oath when he wrote it. As, however, that part of it which relates to my numbers is confirmed by the testimony of Major Jessup, I am willing to admit, under the explanation which he afterwards made, the correctness of it. He says, in these identical words, "exceeded a thousand men, including the Michigan militia, of four hundred, and the detachments absent with Colonels Cass and McArthur." He then says, "perhaps this estimate includes the Michigan legion." He afterwards states, "there were about thirty or forty armed wagonners."

By referring to Colonel Cass' letter, published in the report of my trial, you will perceive, he says, there were three hundred and fifty in the detachment ; and Major Jessup, in his testimony, says, that this detachment was included in the one thousand ; it consequently ought to be deducted, having been

absent two days, under orders to march to the river Raisin. This will reduce my number to seven hundred and ten. He also says, there were about thirty or forty wagonners armed that evening; say thirty-five, which makes the whole number seven hundred and forty-five.

About half of these, according to his testimony, were Michigan militia; and I have produced evidence, that a part of them, with their arms, joined the enemy the next morning, and that their Colonel informed me the whole of them would desert. Therefore they ought not only to be deducted from my numbers, but added to the enemy's.

This, I believe you will be of the opinion, is the only fair explanation which can be given of the testimony of Major Jessup, the Adjutant General, as reported in my trial, by Colonel Forbes, one of the members of the Court Martial, who was furnished with my defence, and other documents, by the government, and published under the auspices of the administration.

By comparing the two statements, both of which have been literally transcribed, it will be seen, that there is this variance—

In the one, taken from the report of my trial, Major Jessup says, that the Michigan militia was included, and made part of the whole force, viz. one thousand and sixty. In the other, taken from the records furnished by order of Mr. Calhoun, he says, expressly, that it was his impression, the Michigan legion was included in the one thousand and sixty, and the militia (which must have been the other part of the militia) were not. This legion, as it is called, was a part of the four hundred Michigan militia, and it is very immaterial whether the men who composed them were included or not, for the reasons which have been just stated, as they added to the force of the enemy.

Perhaps the inquiry may be made, in what manner General Brock, in his official report to his government, made the number of prisoners so much greater? Such an inquiry is easily answered. All the prisoners from Michilimackinack were at Detroit on their parole, and included in the number. All the militia at the river Raisin, and in every part of the territory; all persons, indeed, of every description, who were found at Detroit, were in his power, and considered as prisoners. It was easy for him to make the numbers as large as he pleased. He had, indeed, a great object in making them as large as pos-

sible. His official communication was to be sent to London, and presented to his Majesty, the fountain of distinctions and honours. In proportion as the achievement could be magnified, he expected distinctions and honours would be conferred. In this he was not disappointed; the order of knighthood was conferred on him, as soon as his dispatches were received.

From the statement and evidence offered for your consideration in this and the former number, I have the happiness to believe you will be satisfied, that the pledge which I gave in my second number, viz. that I would prove to your satisfaction, that on the 16th of August, 1812, General Brock invaded our territory, with more than double the effective force which I had to oppose to it, has more than been redeemed; and, if I had pledged myself to have proved that he had at that time more than three times my effective force, the statement would have been correct. On the evidence furnished by the administration, my prosecutors, I could not have carried into the field one third part of the force with which our territory was invaded; and as the suspension of hostilities, was at that time in full operation, in every other part of Canada, and all the British troops, militia of the province, and all the savages, were subject to the authority of the British General, and were moving in all directions to the only point where their services were necessary, I again ask you, whether you are not fully satisfied, that his army might have been re-enforced to much more than double the numbers then present, before I could, by any possibility, have received assistance?

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## No. XXVIII.

PERHAPS, after reading the two last numbers, in which were exhibited evidence of General Brock's forces, and those under my command, an inquiry may be made, why this statement and evidence was not presented more particularly in my defence? to satisfy you in relation to such an inquiry, it will be perceived the whole of the evidence now exhibited was not before the Court Martial, and the part which was, I expected the members would critically examine, and form their judgments on the *facts* which were proved, and not on the *opinions* of the witnesses.

There was another reason, which was the principal one; viz. the very short time allowed by the Court, to prepare my defence.

The evidence was closed on Friday, the 11th day of February, and the Court met again the next Tuesday—a Sabbath intervened, which ought to be devoted to the worship of our God. Consequently, I had only Saturday and Monday, to arrange all the evidence, both written and oral, which had occupied thirty-two days in presenting to the Court, where I had constantly attended at the bar, in examining witnesses, &c. without any assistance. This evidence was to be applied to a volume of charges and specifications; and the administration, my prosecutors, had employed two of the most eminent Counsellors in the United States, to assist the Judge Advocate in preparing these charges and in hunting up and examining witnesses, and taking down minutes of their testimony, long before the trial commenced.

I believe no law can be found, authorizing the employment of these Counsellors, or the payment of the large sums of public money, they received for their services.

Until the whole of the testimony was offered it was impossible to make an arrangement of it, and apply it to the numerous charges. Every day witnesses were examined on all the different specifications. I have not made this statement to implicate the conduct of the Court in this particular, as I did not urge for a longer time. The reason why I did not, was, that every application of any importance, which I had made during the whole trial, had been denied—I therefore thought it would be a useless waste of time. I have only stated this fact as a reason, why my defence was not presented in so clear, particular, and intelligible a manner, as it might have been, had more time been allowed. It was impossible to arrange such a mass of testimony in so short a time, as to have the case distinctly understood by the most attentive readers. These are reasons, why my case has not been more clearly and fully explained.

In a former number, I referred to the convention of Saratoga, to show the fatal consequences of an army being ordered into a situation where its communication with its magazines cannot be preserved.

As the events of the northern campaign, in 1777, are ar

portant portion of the history of our revolution, and as in many respects, there appears to be a similarity between the misfortunes, which attended the army, commanded by General Burgoyne and the case which I have presented for your consideration, it may afford some illustrations of the subject, to describe them, and trace the similarity.

The invasion of the United States, in the year 1777, from Canada, was a favourite object of the British administration, planned in the cabinet of London, and the execution of it committed to General Burgoyne. Early in the spring of that year, he advanced from Canada with a large army, as distinguished for character and discipline, as, perhaps, that nation ever furnished. Attached to his command were the Canadian militia, and savages of the northern and western regions. Distinguished, not only by his talents, as a civilian, but by long experience in the wars of Europe, and having acquired the highest reputation, as a military commander, he was selected for this important command. Aided by a naval force on lake Champlain, he passed over those waters, and possessed himself of Tyconderoga. Calculating on assistance, and co-operation with the army under the command of Sir Henry Clinton, in New York, and expecting to form a junction with that army, at Albany, he penetrated to the Hudson, and crossed that river, at fort Edward. If his communication should be cut off from his magazines in Canada, he expected when a junction was formed with the army at New York, it would be opened for the supply of his army, from those below. Not receiving that co-operation, on which he depended, and his communication between his army, and his magazines in Canada, being intercepted by the American forces, he considered it his duty to accept the best terms which could be obtained, and surrendered his army as prisoners of war, *under a convention*, to which the American General acceded. This was occasioned by the want of co-operation on the part of his superiour officer, from New York. I ask you, my fellow citizens, to compare the two cases, and although it may be said, it is comparing great things with small, yet they depend on the same principle, and are offered as an illustration of the subject under review. I was ordered to make the invasion of Upper Canada, from Detroit. General Burgoyne was ordered to invade the United States, from Canada. After my army invaded

Canada, its communication was cut off, by the enemy's naval force on lake Erie, and his land forces, and savages, on the road which had been opened from Ohio, and *no supplies could* be obtained from any magazines from my country. After General Burgoyne's army invaded the United States, and advanced to Saratoga, his communication was intercepted from his magazines in Canada, and *no supplies could* be obtained from that quarter.

It was a part of the plan of the campaign in 1812, that General Dearborn should cross the Niagara river and co operate with me, with an army sufficient for the conquest of Upper Canada, by which event, my communication would have been opened to the magazines, in our country on the Niagara river. Had Sir Henry Clinton successfully co-operated with General Burgoyne, his communication would have been opened to his magazines in New York, from which his army would have received its supplies. The want of that co-operation alone became fatal to Burgoyne. I had no communication with my country, excepting through lake Erie, and the road I had opened through the wilderness to Ohio. After the declaration of war lake Erie was closed against me, by the enemy, and the road by the savages. As General Dearborn neglected to assist and co-operate with me, my communication being entirely intercepted, I considered it my duty to negotiate and accept the best terms which could be obtained.

Thus far there appears to be a similarity between the two cases. Had General Washington at that time proposed to Sir William Howe, who commanded the British army, an armistice, and had it been agreed to, without including General Burgoyne's army, the similarity would have continued ;—and in an event of that kind General Washington might have marched his whole army, or as large a part as he deemed necessary to have assisted General Gates with the most perfect safety to the other parts of the country, and at once overwhelmed General Burgoyne's army. By a calculation on the subject it will appear, that General Burgoyne had a larger force, in proportion to General Gates' than I had in proportion to General Brock's.

The surrender of General Burgoyne's army, was occasioned by the want of co-operation. from the army at New York, commanded by Sir Henry Clinton ; and I am satisfied, you will be

fully convinced, that the disasters of my army were caused by the neglect of General Dearborn, in not assisting and co-operating with me as he was ordered.

I will now ask your indulgence, for a moment, in examining the conduct of the British administration towards this unfortunate General. I do it with a view to contrast it with the treatment I have received from the administration under which I served. This treatment is so well known to you, that it is unnecessary to repeat it. Indeed, no language can describe the base injustice I have experienced, or the vile and disgraceful motives from which such injustice originated.

Let me then ask you whether the officers of the British Administration received and published to the nation and to the world, an official account of the causes of that surrender, from a *subordinate officer*, before that of the commander of the army was received and published? Were capital charges in the first instance, exhibited against General Burgoyne; and was Sir William Howe, whose duty it was to have assisted and co-operated with him, and who was deeply interested in the event of an inquiry, appointed President of a court martial for his trial? Did General Burgoyne's officers, selected as witnesses, receive the patronage of the British administration, by being promoted two or three grades, to prepare them to give the most unfavourable testimony against him? Were the newspapers of England, by the influence of the administration, filled with false and scandalous accounts of his conduct, and the oaths and affirmations of every unprincipled adventurer and follower of his army, taken and circulated to excite the clamour of the nation against him?

No, fellow citizens, the officers of the administration of the nation from which you descended, had too much honour and justice to make use of such dishonourable practices even for their own preservation in office. As, however, they knew that an inquiry would produce a re-action on themselves, who formed the plan of the campaign, and on Sir William Howe, the commander in chief of the army, who neglected to co-operate, or to provide the necessary means of co-operation, with General Burgoyne, no trial was ordered, and he retired to private life, with the esteem and affection of his fellow citizens.

He was the unsuccessful general, and as the plan of the cam-

paign had been formed by the officers of the administration, and its want of success, had excited a clamour in the nation, it was well known, that the public censure would have rested on them, and the generals who had neglected to co operate with him, had a trial been ordered. That nation would never have suffered such an outrage on justice as has been here practised.

By examining the most celebrated historians of the war of our revolution, it will be seen, that the causes of the disasters of General Burgoyne's army are attributable to the want of the co operation which was expected.

In proof of this declaration, I will here transcribe a few sentences from Botta's history of the war of our independence, translated by our countryman G. A. Otis, Esq.; a work highly creditable, both to the author and translator, as well as to the rising literature of our country.

Speaking of Burgoyne's expedition, he remarks, "that its success depended on the combined efforts of the generals who commanded on the lakes, and of those who had the management of the war in the State of New York. But far from moving in concert, when one advanced, the other retired. When Carleton had obtained the command of the lakes, Howe, instead of ascending the Hudson towards Albany, carried his arms into New Jersey, and advanced upon the Delaware. When, afterwards, Burgoyne entered Tyconderoga in triumph, Howe embarked upon the expedition against Philadelphia; and thus the army of Canada was deprived of the assistance it expected from New York."

The author then makes the following reflections: "Perhaps Howe imagined, that the reduction of such a city as Philadelphia, would so confound the Americans and so derange their plans, that they would either easily submit, or make but a feeble resistance. Perhaps, also, he believed, that by attacking the centre, and as it were the very heart of the confederation, he effected the most useful diversion in favour of the army of the north, thereby depriving the Americans of the ability to oppose it with a sufficient force upon the Hudson. Finally, it is not impossible, that, listening to his ambition, he had flattered himself, that with his own means alone, he could acquire the exclusive glory of having put an end to the war. But whatever might have been the importance of the acquisition of Philadelphia, every



one must readily perceive how much greater was that of the junction at Albany of the two armies of Canada and New York. It was very doubtful, whether the conquest of a single city would decide the issue of the war; whereas the junction of the armies offered almost an assurance of it." In the next page it is further observed, "Perhaps, also, (speaking of the British administration) they erred in this, that having too great confidence in the reputation, rank, and military experience of Sir William Howe, they neglected to send him more minute instructions. For it appears by the best information we have found on this subject, that the orders given to that general in regard to his co-operation with the army of Canada, were rather discretionary than absolute: *but all the ruin of the enterprise is clearly attributable to this want of co-operation.*"

Sir William Howe had taken so large a portion of the army from New York, in his expedition to Philadelphia, that it probably was not in the power of Sir Henry Clinton, consistent with the safety of the posts below, to co-operate with General Burgoyne. After these events took place, Sir William Howe was recalled, and the command of the army given to Sir Henry Clinton. General Howe's conduct was severely censured by the British government, for not supporting and co-operating with General Burgoyne.

Thus it appears, that Sir William Howe was censured by his government, and recalled from his command, for not taking measures to assist and co-operate with General Burgoyne's army, when, as it appears, his orders were only discretionary on the subject.

I now ask you to consider the case of General Dearborn. He retained the confidence of the administration, and was continued in his command; although he took no measures to co-operate with my army, although *his orders were positive to do it.*

Although it appears by the authority of this historian, that Sir William Howe had not received positive orders to co-operate with General Burgoyne; and although he had not made an armistice with General Washington, which left all the forces of the United States at liberty to have marched and joined General Gates' army against General Burgoyne, yet I will here apply the same reflections in relation to the disasters of 1812, and on General Dearborn's conduct, as the historian has made on

the events of the campaign of 1777, and on Sir William Howe's conduct. In relation to the events of 1812, it will thus stand. "That the conquest of Upper Canada depended on the combined efforts of the generals who commanded on the east and west side of lake Erie. That when I crossed the Detroit river, and invaded Canada on the west side, General Dearborn advanced the principal part of his army to Plattsburg and Burlington, in the direction of Montreal. Perhaps General Dearborn imagined, that even the appearance of the reduction of such a city as Montreal, would so confound the Canadians and so derange their plans, that they would either easily submit, or make but a feeble resistance. Perhaps, also, he believed, that by attacking the centre, and as it were the very heart of the province, he effected the most useful diversion in favour of the northwestern army, thereby depriving the Canadians of the ability to oppose it, with sufficient force, on the Detroit river. Finally, (as the historian observes, only changing names) it is not impossible, that General Dearborn, listening to his ambition, had flattered himself, that with his own means alone, he could acquire the exclusive glory of having put an end to the war."

I will continue the same reflections as the historian has made in the other case, and you, my fellow citizens, will judge how far they are applicable: "But whatever might have been the importance of the acquisition of Montreal, (waiving the probability of obtaining it) every one must readily perceive how much greater was that of the junction of the two armies in the centre of the upper province. It was very doubtful, whether the conquest of a single city would decide the issue of the war; whereas the junction of the two armies offered almost an assurance of it. Perhaps they erred (only changing the British for the American administration) in this, in placing too great confidence in the reputation, rank and military experience of General Dearborn. *But all the ruin of the enterprize is clearly attributable to this want of co-operation.*"

If the observations made by this celebrated historian, in the case which he was reviewing are correct, the same observations will more strongly apply to the case here presented to your consideration, because General Dearborn had particular instructions which he did not comply with, but agreed to a suspension of hostilities:

If Sir William Howe was thus censured and recalled from his command, when his orders were only discretionary with respect to co-operation with General Burgoyne's army, I ask, and I solemnly ask, what would have been his fate, had his orders from his government been positive to have co-operated with Burgoyne—and instead of obeying those orders, in imitation of Dearborn, he had agreed to an armistice with General Washington, without including Burgoyne's army, and without making any provision that General Washington's army should remain, during the armistice, in the position it then occupied, and any part of it, or the whole, with the General at its head, had marched to the Hudson, and re-enforced Gates' army.

This might have been done, under such circumstances, with the most perfect safety to every other part of the country during this suspension of hostilities between Washington and Howe.

I believe you will accord with me in the opinion, that if Howe had made such an agreement with Washington, it would have caused the immediate and certain destruction of Burgoyne; and nothing could have sheltered him from the vengeance of any administration which had any regard to character, policy, or justice.

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## No. XXIX.\*

ON the return of this joyful anniversary of our independence, it would be most grateful indeed to me only to indulge in a recollection of the means by which it was produced, and the honours and blessings it has afforded, unmingled with any regrets for subsequent misfortunes.

Indeed, this event is considered so important that the celebration of it is not confined to our own country, but patriots and sages, throughout the civilized world, hail the example as the dawn of their freedom.

It affords me happiness, which no language can express, that I lived at the period when these great events were passing, that my little bark followed, and sailed attendant, with that of our

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Illustrious leader, partook in a small degree of the same auspicious gale, and witnessed the same glorious triumph. When those invaluable privileges, which had been acquired, with so much success and glory, were assailed, I was willing again to raise my feeble arm for their support.

To what causes ought to be attributed the misfortunes which succeeded, is the object of the memoirs which I am now presenting for your consideration. I should be wanting in gratitude, did I not both feel and express my sincere and unfeigned thanks for the candour with which they have been received, and the attention with which they have been read. I cannot omit on this occasion, to make my particular acknowledgements to the conductors of our free presses, for their liberality, in giving publicity to my narrative, and for the candour and impartiality which has appeared in their editorial remarks. As long as this blessing is maintained, truth will break down the barriers of falsehood, and overcome all opposition.

This number coming in its regular course, on this auspicious day, no considerations ought to induce me to deviate from the system I have adopted. I shall deeply regret the necessity of stating a single fact, or drawing a single inference, which may have the least tendency to disturb the repose of His Excellency, Governour Eustis, both on account of the personal friendship, which long subsisted between us, and the high esteem I have entertained for his character, but likewise on account of the profound respect for the majority of his electors, and my unshaken attachment, notwithstanding all I have suffered, to the principles which have elevated him to the chief magistracy of the commonwealth. They are principles, which I early imbibed, for which, in my youth I have often fought, and which I hope to cherish during the future remnant of my life. Principles are fixed and immutable, and it is no reason to abandon them because they are sometimes abused and perverted by those who profess to follow them, or because innocence sometimes suffers by such abuse, and perversion. I shall therefore now present to you an official letter from His Excellency, then Secretary of War, to General Dearborn, dated after the disasters of the campaign had happened, which seems very clearly to unfold the views and intentions of the administration, in relation to its misfortunes. [Vol. 6, p. 253.]

“War Department, Dec. 18, 1812.

“SIR,—Your letter of the 11th inst. is received. *Fortunately for you*, the want of success which has attended the campaign will be attributed to the Secretary of War. So long as you enjoy the confidence of the government, the clamour of the discontented should not be regarded.

“You are requested to make an exchange of General Hull, as soon as possible.

[Signed,] W. EUSTIS.

“Major General H. DEARBORN.”

By this letter, it appears, that at the time it was dated, I was a prisoner, and General Dearborn was requested to make an arrangement, and effect my exchange, as soon as was possible. This letter, under the circumstances, speaks in language too plain to be misunderstood. General Dearborn is informed that it is fortunate for him, that the want of success which has attended the campaign will be attributed to the Secretary of War. Here His Excellency, then Secretary of War, in a very kind manner, agrees that all the misfortunes of the campaign, shall rest upon himself. He informs the General that he ought not to regard the opinions of those who are dissatisfied, as long as *he* retains the confidence of the government.

What is the proper construction to be given to the foregoing sentence? Is it not obviously this, that the opinions of the people ought to be disregarded as long as General Dearborn retained the confidence of the administration, the servants of the people? Your opinions ought to be held in contempt, while the opinions of those to whom you have committed a temporary authority ought to be respected! Is this the genius and spirit of the government under which you live? Can a sentiment like this receive your approbation, however decorated with titles and authority the individual may be from whom it proceeds? The opinions of the administration, to be respected, and your opinions, my fellow citizens, to be disregarded!—Here the Secretary acknowledged, from under his own hand, that the misfortunes of the campaign would be attributed to him. His character, therefore, as Secretary of War, by his own confession, was implicated. Did it comport with the dignity of his

office or the honour of his character, to retire, borne down with such a load of opprobrium?

When he voluntarily consented to take these misfortunes from the shoulders of General Dearborn he knew they would not evaporate in smoke, and that it would require some powerful engine to remove them. Thus commenced the plan designed for my destruction. By General Dearborn's arrangements I was immediately exchanged; and, at the same time that I received notice of my exchange, I was arrested, and called to answer to a volume of charges prepared by Mr. Dallas, who had been specially employed by the administration for the purpose. He was assisted by a number of my officers, who seeing the favour and patronage Colonel Cass had received from his official letter, were willing to follow his example, and were not disappointed in their reward. All the prominent acts of the campaign, in this volume of charges, were made capital offences, although many of these very acts, had before, been highly approved by the very administration which now exhibited them. This was the engine which was prepared to relieve the Secretary, from the burden, which he had in so generous a manner taken from the General's shoulders. The success of the plan which was formed for my destruction, is well known to you, as well as the rewards which have been given to those who formed and executed it. General Dearborn was continued in office, with all the emoluments of commanding General, to the close of the war, without any inquiry into his conduct for not obeying the President's orders, and has since been appointed Ambassador to a foreign court, with a compensation of thirty-six thousand dollars of your money, for three years' services. The Secretary of War, Governor Eustis, retired from the war department, with the misfortunes of the campaign upon his shoulders, and as soon as he had been relieved by the plan that had been adopted, was rewarded with the appointment of Ambassador to Holland, with the same compensation of thirty-six thousand dollars for three years' services. This letter, which until very lately has not been obtained, unfolds the plan of the administration, and a scene of injustice and oppression which has few examples in the annals of the world.

This conduct of his Excellency will probably seem unaccountable and mysterious. Every impartial man must be of

the opinion the misfortunes of the campaign, ought to have rested on the officer, whose conduct had produced them—notwithstanding a declaration of war was made before a navy was built on lake Erie, and before other necessary preparations were made, yet no fault, on that account ought, perhaps to have been imputed to the Secretary—notwithstanding the delay in giving me notice of war being declared, and the misfortunes which arose from that delay; and notwithstanding the orders I received to march the army, I commanded to Detroit, eighteen miles in the rear of the enemy's principal fortress, and from thence to commence offensive operations, yet had General Dearborn obeyed the orders he repeatedly received, from Governour Eustis, then Secretary of War, Upper Canada would, without any doubt have been conquered that campaign, and we being in possession of all the harbours, on every side of the lake, the navy of the enemy must have fallen into our possession—There is the strongest possible grounds for an opinion of this kind, all the regular troops in the northern sections of the country were placed under General Dearborn's command; all the militia of the powerful state of New York, were under his controul and orders. Indeed he had the means in his power of making the invasion from the Niagara River, with an army capable of conquering, as fast as it could have marched, and in his official dispatches to the government, in imitation of Cæsar—three words only would have been necessary, “Veni, vidi, vici.” He was ordered to place the forces, under his command, in suitable situations for this purpose, as appears by the Secretary's letters to him, and to attack the enemy's posts, and to co-operate with my forces—He did not obey these orders of the President, communicated by the Secretary, but agreed to the armistice, which has been fully stated—This disobedience of orders was the great cause of the misfortunes of the campaign—After the Secretary had given the necessary orders, had they been obeyed, the object would have been obtained, and the campaign would have closed with conquest and glory, instead of misfortune. Why was he willing, to take on himself that misfortune, and inform General Dearborn that, he was to retain the confidence of the administration, and ought to disregard your opinions?

The Secretary well knew the orders he had given General Dearborn, to co-operate with my army, and how he had disre-

garded them—He knew the manner in which he had made an armistice, and how it was disapproved by the President—He knew that it was done without any authority, and the effects it had on the operations of the campaign—He must have known then General Dearborn ought to have been responsible, for the misfortunes, which he took on himself in his letter, which has been recited. Why then, I ask you, did he consent to relinquish his important office, in the midst of a war, and carry with him disasters, which belonged to another ?

In reflecting on this subject, there certainly is great difficulty in determining, what possible motives could have induced i. is Excellency to have written this letter.—He must have known better than any other officer of the government, all the circumstances attending the campaign—He well knew that I had obeyed every order, which I had received from the government, because he himself as the military organ, had communicated them —He knew, that in obedience to his orders, I had marched the army to Detroit, after the declaration of war, contrary to my own opinion.—He knew that I had made the invasion of Canada, in conformity to the orders I had received from him.—He knew that an attack on Malder, and all my other orders excepting those I have mentioned were discretionary.—With respect to General Dearborn, he well knew, that he had neglected to assemble his forces on the Niagara river, and co-operate with me according to the repeated and positive orders of the President, communicated by him. He had a perfect knowledge, that without any authority, General Dearborn had agreed with the enemy, to a suspension of hostilities, in which my army was not included, and that it was disapproved by the President and the effect which it had on the forces under my command, and on the fate of the campaign.—Knowing therefore that General Dearborn, had been the cause of the misfortunes of the campaign, why did he consent, to become not only the agent of purging him from them, but taking them on himself? If General Dearborn had done his duty, these misfortunes would not have taken place.

I again repeat the question, what could have been the motives of his conduct ?

They undoubtedly were, to shelter the administration, and especially the President, whose re-election was approaching,



from any censure, in consequence of these misfortunes. Considering probably, that the safety of the people, is the supreme law, and how much that safety depended, on the officers of that administration, *as a good patriot, and a dear lover of his country*, he probably thought, that any measures were justifiable, which were necessary to effect so desirable an object. I was then an unfortunate prisoner, and the most unprecedented, outrageous, and wicked measures had been adopted to excite your indignation against me. The Secretary himself, was one of the administration, and by his own confession, in the letter which has been recited, the misfortunes of the campaign were attributed to him.

By General Dearborn's letter of the 11th December, to which the Secretary's of the 18th was an answer, it appears that he was trembling on account of discontents, and an opinion that very generally prevailed, that he was most justly entitled to a large share of these misfortunes. How unfortunate for His Excellency, whom we all know to be an honourable man, that he ever consented to write this letter in behalf of the administration, and to wipe off every stain from the commanding General. Better for his honour, had his hand been paralyzed, before he suffered it to do an act, which he must have known was so evidently unjust. His own letters, written with the same hand, to General Dearborn, have been recited in these memoirs. In them it appears, he was commanded to co-operate with my forces, in the conquest of Upper Canada, and instead of obeying those orders, he agreed to a suspension of hostilities, in which my army was not included, which measure was disapproved by the President. When therefore, he wrote this letter, he perfectly knew, that General Dearborn had not obeyed his orders, and had done an act which was disapproved by his master, which was the final fatal cause of these misfortunes. On what grounds, then, could he say to General Dearborn, you retain the confidence of the government, and ought not to regard the opinions of the people ! I ask whether a greater insult on your sovereignty and rights, and a more barefaced outrage on justice was ever committed ? And why was this done ? Perhaps His Excellency may say, that this was an official letter, and he wrote it merely as the military organ of the administration ? —Granted. Being however, one of the administration, ought

he not to have had more regard to himself, than to have retired from office with misfortunes which did not belong to him ; and is there any principle which can justify him in his attempt, to purify General Dearborn, when he must have been sensible, how deeply he was infected.

With confidence I submit to your consideration, and I believe, I might now with safety, to the candid judgment of His Excellency, whether it would not have much better comported with the importance of the occasion, and the principles of justice, to have instituted an inquiry into the causes of those misfortunes, and to have ascertained to whom they ought to have been attributed, rather than to have determined themselves, my fate, and only to have appointed a court martial for the mere ceremony of a trial? The administration, however, did not consider this a safe mode of proceeding for themselves, and I having been the unsuccessful General.—it was thought the public indignation could be transferred from them, and more easily fixed on me, than on any other officer. Hence, for more than a year every possible effort was made, to excite this indignation against me, and all the officers, who could be induced to become witnesses against me, were promoted, and patronized before the trial commenced.

I believe, my fellow citizens, you will be astonished, that General Dearborn should be appointed by the administration President of the court martial ; or that he accepted, when he knew how deeply he was interested in the result of the trial ; your astonishment, however, I have no doubt, will cease when you read the evidence contained in these memoirs, and perceive, that neither the administration nor the General, had any other safety, than by my condemnation.

I have stated, before, generally, the reasons why I did not make objections.

In addition to those reasons, I will now answer, that I had served with him during the war of the revolution, and that he then sustained the character of a brave officer. I then could not entertain the suspicion, that a *brave* man, could be a *dishonourable* man.

Bravery, honour, and impartiality, I considered inseparable companions.—The old maxim has been confirmed by his conduct, that there are exceptions to all general rules.

At that time I did not know how deeply he was interested in the event of the trial. Although I requested, that all the letters which had any relation to the campaign, might be sent to the court martial, yet many, which were favourable to me, were withheld and could not be found in the public offices; others were likewise withheld and no reason given. It will appear by my defence, that when they could not be obtained from the officers of the departments, I applied to the President for his interference, but, without success.

It will be recollected, that it was then nearly two years after the events of the campaign had taken place. That during that time, I had been in arrest, and the administration, had exhibited capital charges against me; that an honourable and independent court martial had been appointed to assemble at Philadelphia, the year before, where I voluntarily appeared, and was ready for my trial; that, that court martial was dissolved by the President, without giving any reason for its dissolution. That I had been continued another year in arrest, when a new court martial was selected, of which this interested officer was appointed President. As I had been sincerely desirous that all my conduct, during that campaign, should be investigated, I feared, had I objected to the organization of the court, it would have occasioned further delay. I felt so conscious of innocence, and of having faithfully performed my duties, that I preferred even a trial by my enemies, rather than a further procrastination.

I did not believe it was possible, that men, distinguished by badges of honour, could act a dishonourable part; I did not believe it possible, that any patronage which could be given them, by the administration, or indeed any considerations could induce them, to deviate from the paths of *Justice* and *Honour*, which in all ages have been the glory of the military profession.

When, however, I saw the commander in chief of our armies at the head, and when I beheld a majority of the members, young Lieutenant Colonels, very lately promoted to that rank, and some of whom, I knew had been his Aids-de-Camp, and introduced into the army by his patronage, and others, whose names I never had heard, until they were called on that service, I thought it a strange organization of a court martial for the

trial of a General officer. Especially when invariable custom, and the articles of war provided, that officers should be tried by those of at least as high rank as themselves, where such officers could be obtained.

With respect to the President, it was strange, and indeed unprecedented, to see the first officer of the army, serving on a court martial. Some very special reasons, must have induced the President to have made this appointment, and the General to have accepted it. He was the commanding General of the armies of the United States. The spring of 1814, was a critical period of the war : it was an established principle during the revolutionary war, that the commander in chief never served on a court martial ; the reason is, that an officer appointed a member, from the time a court martial is ordered until it is dissolved, is not called on to perform any other duty. It was several months after this court was instituted before it was dissolved. The command of the army therefore, during this time must have devolved on a junior officer. Unless, therefore, some very particular reasons had operated, would General Dearborn have relinquished the command of the army, and degraded himself by performing a duty to which the youngest General was competent ? I believe, my fellow citizens, you will form a correct opinion on this subject, and believe, that both the fate of the administration and the fate of the General depended so much on this trial, that they were not willing to trust it to other hands ; and likewise that the first court martial, composed of honourable and independent characters was dissolved for the same reasons.

I have thus explained the preparatory plan of the administration that you may compare it with the tyrannical and barbarous principles the court martial adopted, and the measures which it pursued.

## No. XXX.

On the 3d of January, 1814, the Court Martial, of which General Dearborn was President, assembled at Albany. On receiving notice of the time and place of its meeting, I voluntarily attended. Although I had been more than a year in arrest, on capital charges, yet I had never been for a moment restrained of my liberty, in the least degree; and the established military custom of depriving an officer in arrest of his sword, had been waved. From a sense of propriety I resigned it to the court, with the most well founded expectation, as I firmly believed, it would have been returned with honour. I cannot but think you will rightly estimate the motives of these indulgencies, and will be satisfied, they were not granted from any favourable disposition towards me. The officers of the administration well knew, that I had obeyed every order which had been given me, and that I had not been guilty of any crime unless the honest exercise of my discretion, in which they had fully confided, was one. I believe every man who obtains a correct knowledge of the facts, will not entertain a doubt of the motives of this apparent liberality. It was undoubtedly hoped that the terror of the charges would have driven me from my country, and that such a desertion would have been considered as an acknowledgment of my guilt, and an absolution of the faults of the administration.

If any doubts can exist, with respect to the motives of my prosecutors, in relation to this apparent liberality, I think they must be removed by the fact which I shall now relate. On the day the sentence was passed, the 28th of March, 1814, by direction of the Court Martial, the President wrote a letter, of which the following is a copy.

*Albany, March 28th, 1814.*

SIR,—You will please to return to your usual place of residence, in Massachusetts, and there continue, until you shall receive orders from the President of the United States.

Your humble servant,

H. DEARBORN, Major Gen. }  
and President of the Court. }

Brig. Gen. WM. HULL.

The seat of the court martial was at Albany, and the seat of the government at Washington, where the President resided. The sentence was capital. I ask you, my fellow citizens, on what grounds the court martial would have dared, thus to have left me, by its own order, at perfect liberty after such a sentence? Is not this conclusive evidence in your minds, that there was a concert, and understanding between the leading members of the court martial and the administration, and that the sentence, which was to be pronounced, was determined in the cabinet at Washington, before I was called to answer, or a witness was examined? And whether it was not likewise determined that the sentence should be remitted? I ask you to account for this conduct, on any other principles?

Conscious of innocence, I never asked myself for mercy nor authorized a friend to intercede in my behalf. Had I been guilty of the crimes with which I had been charged, I ought in justice to you, to have made an atonement by my blood. I must again repeat the question, whether the court martial could have dared thus to have given me my liberty, by which I might have avoided the execution of the sentence, unless such a concert and understanding existed before the trial? Such conduct would be trifling with the most important duties, which men can be called to perform; it would indeed have been making, not only a mere ceremony, but even a mockery of justice. The despicable meanness of leaving me in a situation, to avoid the sentence, of which they were ashamed, no language can describe, and no example can be found, from Adam to the present moment.

Before the trial commenced, I objected to the employment of other counsel than the Judge Advocate in the following language. [See Lt. Col. Forbes' report of the trial, page 12.] "Whatever reasons may be urged, to exclude professional aid on the part of the prisoner, let me ask with great respect why they will not equally apply, on the part of the prosecution. And yet it is most evident, that the officers of the government who have instituted this prosecution, have not felt the force of those reasons:—If they had, they would have left the prosecution, to be conducted by the military prosecutor. And yet it is seen, to the charges drawn up against me, the name of one of the most eminent counsel in the United States: and I likewise

find enlisted against me, in aid of the military Judge Advocate, a professional gentlemen of this State, not less distinguished for his talents."

I have made this statement, in order to show to you in the plainest manner, the inconsistent, unequal, and tyrannical principles which were adopted by the court martial in the commencement of the trial, to contrast them with the decision, which at the same time was made on my application for counsel, to assist me in my defence.

I cannot but here observe, that not only the character, which I had established in a life of public services, for near half a century, and particularly in fighting the battles for your safety, glory, and independence, was at stake, but that life which God has given me.

I did not ask to be permitted to employ counsel at the expense of the government, but at my own expense.

I will now inform you, what was the decision of the court, which was rigidly adhered to throughout the whole trial.

That the counsel, employed by the administration, my prosecutors, should be admitted to examine the witnesses, produce the documents, speak to all collateral questions, and lastly, to the final question, and that I should not be permitted to employ counsel, even at my own expense, to open their lips, in the presence of the court, in examining witnesses, producing documents, or speaking on any collateral questions of law, which might arise, in the course of the trial, or on the final question, whether guilty or not guilty. Here you see, one rule was established for the prosecution, and another for the prisoner in his defence. My object will be, now, to prove to you, that this decision of the court martial, was not only unequal, inconsistent, and tyrannical, but that it was contrary to the fundamental principles of our government, and the spirit of the constitution of our country. To that constitution which was obtained, by the blood of many of your Fathers I now appeal, and if the members of that court martial will read it in the spirit of candour, they must feel shame and remorse, for the principle they adopted.

By this constitution, it is provided, that in *all* criminal prosecutions, the accused shall enjoy the right, to have the assistance

of counsel for his defence. Here the right is placed on the broadest foundation.

This right is the property of every individual. No power can deprive him of it. It is the first, and highest law of the land—Congress has no authority to make a law contrary to it—It is binding on all courts, both civil and military.

Instead of adopting the rational and liberal principles, and spirit of our constitution, which ought to be engrafted on all our institutions, the court martial searched the records of that nation with which we were then at war, and from which we had separated, on account of the oppression, and tyranny of its government. In those records far back, in the dark ages of arbitrary and despotic government, when a prosecution by the Crown, was in effect, a sentence of death, and when the object was to guard against every interposition, between the accused, and the sword of the king. The court martial, with the assistance of their unauthorized special Judge Advocate, found some authorities, on which to ground their decision.

In recurring to the authorities, on which those tyrannical principles adopted by the court martial were founded, it will be seen, that the English writers, who have attempted to support them, finding they were contrary to the fundamental principles of the British government, were obliged to refer to the practice of the Egyptians for their support.

As I observed to the court martial, every commentator who has written on the subject, has blushed for the absurdity and barbarity of the reasons on which, the exclusion of counsel, in behalf of the prisoner, is founded. Speaking of this rule, Blackstone says, “It is a rule, which however, it may be palliated, seems not to be of a piece with the rest of the humane treatment of prisoners, by the English law; for on what face of reason can that assistance be denied to save the life of a man, which is allowed him in every petty trespass.”

Christian, in his Notes on Blackstone, says—“It is very extraordinary, the assistance of counsel should be denied, where it is wanted most. That is when it is wanted to defend the life, the honour, and all the property of an individual.”

Thus we see the light in which the liberal commentators, consider this subject.

Shall we, then, who live under the freest government in the



world, be governed by rules, which are derived from such a source, and have originated in such motives? Shall we adopt rules at which the sense, reason, and humanity of mankind, since the civilization of the world, have revolted? I ask these questions with a confidence, that when *you*, my fellow citizens, have considered them, you will answer them, with the spirit of freemen, and stamp your indignation on any tribunal, acting under your mild constitution, which has adopted such inhuman, and barbarous principles; principles so contrary, to the genius and spirit of the government, under which you live.

If, my fellow citizens, you find such principles, as have here been exhibited, adopted by the court martial, at the commencement of its proceedings, what will be your expectations in the progress and final issue of the cause. To your candid judgment I submit the subject of this memoir, and in my next, shall consider the conduct of the court, in admitting the opinions of the witnesses to prove the charges against me.

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### No. XXXI.

I much fear that I shall not be able to do justice to the subject of this number. Each of you, my fellow citizens, as well as myself, have a deep interest in the principles which will be considered—not only your characters and all that is dear to you, but your lives may depend on them. It is easy to make out a string of capital charges against any individual in public or private life. If the opinions of witnesses are admitted as evidence to prove such charges, the witnesses themselves become the judges, and the necessity of any other judicial tribunal is superceded. All the proceedings may be summary; it will only be necessary for the accusers, which in this case were the administration, to call up the witnesses, take their opinions, and execute the sentence. Such a precedent becomes law! and must govern in future similar cases. Whenever the court admits the opinion of witnesses as evidence of the proof of facts,

it yields up its prerogative to the witnesses, and they really appear in the novel character of judges.

In the present depraved state of human nature, the most incalculable evils would be produced by a system of this kind. Interest, prejudice, revenge, and malice have so powerful an influence on human conduct, that the ties of moral obligation are broken by them, like cobwebs, and lose all their binding influence. By the admission of such a principle, therefore, the lives and dearest interests of any individual may easily be sacrificed on any altar, where such passions are kindled.

Where facts are necessary to prove charges, witnesses are restrained by the obligations of oaths. Their testimony is liable to be controuled by other testimony, and if it appears they have testified falsely they are liable to be indicted, and punished for the crime of perjury. The obligation of an oath, for the proof of facts is the best security that can be afforded. This security is entirely removed where the opinion of witnesses are taken. For no man is liable to punishment for his opinion, and it would be impossible to prove the motives that induced him to give it. They remain in his own breast. The Court Martial was appointed to determine whether certain facts were true which constituted criminal charges. The witnesses were permitted by the court to give their own opinions, without stating any facts which would be the least foundation for them. The facts on which the charges against me were founded, were—

1st. For employing a small vessel at the Miami of lake Erie, to transport the sick and baggage not wanted on the march, to Detroit, the distance being about seventy miles.

2dly. For not attacking the enemy's fortress at Malden.

3dly. For retreating to Detroit and there taking a defensive position.

4thly. For not opening my communication to Ohio ;—and

5thly, for agreeing to the capitulation.

For the employment of the vessel a charge of treason was founded. By the foregoing numbers it will appear, that this measure would have been highly proper, in time of peace, and that I had received no knowledge of the war. And this want of knowledge, was occasioned by the fault of the Secretary of War, in not giving me as early notice of it as might have been given,—and the evidence was stronger (if there had been

treason) that it was at Washington, than at my camp. If any precedents could have been found, where the opinions of witnesses had been admitted to have proved overt acts of treason, this charge might undoubtedly have been proved. To establish a new precedent, after great deliberation, was thought too open, and too outrageous an attack on justice. The reaction it would have on the administration, probably operated more powerfully, than any other consideration. As I have before observed, on this charge, and its specifications, I was acquitted, and opinions were reserved for those which followed. By a recurrence to the evidence which has been exhibited, contained in the letters of the Secretary of War, it will be seen, that I had no orders on any of the subjects, and that all these acts were intrusted by the administration to my discretion. The crimes, therefore, of which the administration accused me, were, for not exercising this discretion properly; for not exercising it in the manner which some of the militia officers of the state of Ohio thought they would have exercised it, had they commanded the army, and had it been intrusted to them. If *they* had been Generals, (and some of them were so created, immediately after the campaign, by the administration, for their wordy valour,) *they* would have attacked Malden, *they* would not have recrossed the Detroit river, *they* would have opened the communication to Ohio, *they* would not have agreed to the capitulation.

By an attention to the evidence against me on the four last charges, it will likewise be seen, that the opinions of these same inexperienced, and interested officers, were received by the court martial, to prove my depression of spirits, and the alteration of my countenance. For two or three nights, I had little or no sleep, and had very few officers to assist me, in whom I could place the least confidence. My principal officer, Colonel Miller, was sick and unable to perform any duty. With entire confidence I shall submit to your judgment, whether the fatigues I had endured, the high responsibility of my situation, and the want of any kind of assistance, on which I could depend, will not sufficiently account for a depression of spirits, and a different appearance of countenance? Colonel Snelling was promoted and selected as a leading witness against me. It is a duty I owe both to myself and to you, to state his situation at that

time, and show how deeply interested he was in the result of my trial.

On the night of the 15th of August, he commanded the guard, stationed at the Spring Wells, and there was attached to his command a piece of artillery. At this place General Brock landed with his army the next morning at day-light. Colonel Snelling was ordered to remain at this post, until he received orders from me to retreat, or until he was compelled by a superior force of the enemy—and to give me information of any movements of the enemy. The Spring Wells were opposite to Sandwich, where General Brock's forces were stationed, and his vessels of war were on the river between the two places. Colonel Snelling without any orders from me left his post, and marched his men to the fort, with the piece of artillery, a little before day light on the morning of the 16th. His testimony before the Court Martial is in these words—"I returned with my detachment before day, I think the dawn was perceptible on my arrival at the fort, but am not certain; the piece of artillery I left at the gate of the citadel—my detachment I marched into the fort."

When Col. Snelling was giving his testimony, and was inquired of, from whom he received orders to return from his station at the Spring Wells at day light, in the morning, he answered—"From some person in the General's family, I do not recollect whom, I believe from Brigade-Major Jessup, but am not certain." Col. Snelling wished afterwards to alter this testimony, and then said there was a man called Col. Wallace, not recognized by the officers. He did not, however, say he received orders from him.

These facts he acknowledged, and thus he equivocated in his testimony.

Major Jessup was present, when he made this acknowledgment in his testimony, of leaving his post, and undoubtedly informed him that he did not give him the orders, which induced him to alter his testimony. His mere hint, with respect to Col. Wallace, was probably intended to make an impression that he received the orders from him. Although he does not say it, as Col. Wallace was present, and would have contradicted it; and there was this further reason, as he himself declared, that Colonel Wallace, was not recognized by the officers, as an

aid-de-camp, and consequently, had no authority to give such orders.

Knowing the fact, that he had abandoned his post without orders, he well knew what his fate must have been, had I been acquitted. Nothing but the events of the 16th, prevented me from arresting him at that time. In forming a judgment on his testimony the fact here related, you will, undoubtedly, think ought to be kept in mind. Col. Snelling was not on trial, and the court did not think proper to investigate the fact, although I stated I had not authorized any officer, to order him from his post.

As his opinion was relied on to prove the most important charges, it would have been dangerous to have suffered any thing to have been said which would have invalidated his testimony. These opinions were received to prove entire charges, and entire specifications of charges. By thus receiving the opinions of a witness in the whole matter in issue, or on a particular specification, in a charge, is precisely the same, as presenting the list of charges, and asking each individual witness, whether he believes the accused guilty? If the witness is credited, of what use is it for the court to go farther? The accused is found guilty by the opinion of the witness, and the members of the Court Martial become the mere organs of his opinion. If, on the contrary, the witness swears to facts, the court is left to decide, whether the facts are proved, and whether the facts thus proved constitute the charges. As a fact, a witness can answer with certainty; his testimony, if untrue, can be impeached, circumstances may be introduced, to rebut its inferences; but where is the restraint on opinion? The witness is licensed and free! He roams at large, and if unchecked by any moral obligation, he finds an easy victim in any individual, against whom the want of success alone, has excited the public clamour.

To engraft a scion of this kind, on the tree of liberty, which was not only planted by our forefathers, in this soil of freedom, but protected by their valour, and nurtured and defended by their gallant descendants, would produce a branch, whose fruit would be as dissimilar to that of the original stock, as despotism is dissimilar to freedom,—and the taste of which could never be relished, by the present or future generations.

If the human feelings and passions can be determined by the appearance of the countenance, and witnesses are admitted to testify what those feelings and passions are by this standard, and capital offences are to be proved in this manner, I ask you to consider to what dreadful consequences such a doctrine would lead. Allow me here to offer an illustration. When Colonel Snelling was on the stand, giving his testimony before the court martial. I myself, and many others present, observed a strange and unusual appearance in his countenance; we were of the opinion that it indicated strong features of prejudice, malice, and revenge against me, and a fixed determination to say every thing he could bring to his recollection to injure me, and prove the high charges which were exhibited against me. Suppose Colonel Snelling had been indicted for perjury, for giving this testimony—and suppose we had been called on as witnesses, to have proved that he had been guilty of perjury—would our testimony, whatever knowledge we might have professed to have acquired in physiognomy, have been admitted by any court, to have proved, by the expression of his countenance, that he had been guilty of perjury?

It is impossible to conceive the evils which would result from admitting the opinions of witnesses in proof of charges of *this* kind. The judgment of the court, distracted amidst the conflicting opinions of conflicting interests, has no guide; its powers are transferred to another tribunal; and the unfortunate prisoner stands convicted, not on facts, but on *opinions*. The result of such proceedings must necessarily lead to the most unheard of abuses. An administration, instead of resorting to the ordinary modes of criminal proof, would have only to hunt up opinions, to bring to the scaffold the most meritorious characters. The experience, knowledge and characters of the witnesses, in the case now under review, will present a striking illustration of the subject. They were principally militia officers, born and educated in the wilderness of Ohio, who had no other knowledge of military movements, excepting what they had acquired in the training of companies about their doors. They had been elected as officers by the men they commanded who considered themselves in every respect as their equals, and would not submit to the necessary restraints of military discipline. If they received any orders from these officers which

they disapproved, it was their custom to consult together, and determine what measures should be pursued. It frequently happened, that these officers were treated with the greatest indignity; and one of the officers of the 4th regiment testified, on my trial, (see Lieut. Col. Forbes' report, page 124) "that one evening, at Urbanna, there was a noise; when he [witness] ran out to inquire the cause, and saw some men of his regiment, who informed him, *it was only some of the Ohio militia riding one of their officers on a rail.*"

It is with deep regret that I mention circumstances of this kind, and should not do it, were it not necessary you should know the character of both officers and soldiers who composed the army furnished by the administration.

Farther to illustrate the subject under review; I will here repeat the same observations which I made before the court martial in my defence. I recite the words of my defence, because if I had then made any statement which was not founded in truth, the court would have corrected me.

"It seems extraordinary, that there has not been a witness examined on the part of the prosecution, who has not been promoted since he was under my command. A great majority of the young gentlemen who have been called by the Judge Advocate, have appeared decorated with their epaulets; these have been bestowed, and sometimes with the augmentation of a star, upon gentlemen who began their military career with my unfortunate campaign.

"By what services many of these gentlemen have merited such rapid promotion, I have not learned. But if it all arises out of their achievements while under my command, I must say, that it appears to me my expedition was more prolific of promotion than any other unsuccessful military enterprise I ever heard of.

"It cannot be that it has been intended to give a weight to the testimony of these witnesses, by giving them ranks and honours, which it would not otherwise have had. But when my military character and measures are to be tested by the *opinions* of gentlemen, with high sounding titles of military rank, I think it necessary to remind the court, that with the exception of a few of the young officers, there are none of them who have not been promoted to their high stations without hav-

ing had any military experience, and without, as far as I have heard, ever having discovered any military talent or genius.

"If the opinions of witnesses, on military subjects, ought in any case to be listened to, (which I conceive ought not to be) yet I think the opinions of men of these descriptions ought to be received with the greatest caution."

Without imputing unworthy motives to the administration, in making these promotions, as inducements to the witnesses to give a high colouring to their testimony. I endeavoured to account for it in the following language.

"The extraordinary promotions which the witnesses against me have generally attained, I think may be accounted for, by a recurrence to the fact of which this trial has afforded the most conclusive evidence; which is, that each of the witnesses, from the General to the youngest and lowest officer that has been called by the Judge Advocate, is himself, in his own opinion, a *hero*.

"From General McArthur, who thought himself capable of fighting a whole garrison, down to the lowest rank, every officer seems to have thought, that if *he* had been the commanding General, or if I had taken *his* advice, all would have gone well. No doubt they have, in justice to themselves, made these representations to the government; and their rank must be considered a reward for the great things which they *said they* would have done, rather than to have been acquired by any actual service."

Before I close this number, I cannot omit to make some observations on the unprecedented rule which the court adopted in the examination of the witnesses, which was, to examine each witness in the presence of the rest. And here I will make the same remarks which I made in my defence.

"Till this court decided that it should be so, I did think it was a well established rule of martial as well as civil law, that the witnesses should be examined separately. The justice and propriety of this rule I have very sensibly felt on this occasion. In a case where so much may depend upon the language or phrases in which the witnesses express themselves, it would have been desirable, that each should have been left to the necessity of selecting his own language to express his meaning. But according to the course pursued, each witness was at liber-



ty to adopt the words which had been used by any other witness on the same point.—The disposition of several of the witnesses to do so, has been very plainly manifested, by their answering, when interrogated respecting my personal behaviour, that it was the *same* as had been represented by a prior witness.”

In these courts martial, when the members, among whom there may be great inequality of grades, are intended to be put on an equal footing as judges, care has been taken to avoid, as far as possible, the influence likely to arise from authority. It is on this account, that the opinion of the youngest is always first taken. And it was on the same account, as I conceive, that the rule was established, that witnesses should be examined separately—that the younger might not be influenced in his testimony by what might be said by his superiour. It would be contrary to experience of the human disposition to suppose, after a subaltern had heard two or three Generals, and officers of higher rank than himself, testify, to whose authority he is perhaps subservient, or to whose good word he may have owed, or expects to owe, his promotion, that he will be willing to contradict what his superiours have said, or even to make a representation which will vary from theirs.

If, in any case, the weight of this sort of influence could be felt on the testimony, the mode which was pursued gave it the fairest scope.

The witnesses were generally arranged, and produced according to their rank, *commencing* with those who had been promoted from the rank of Lieutenant Colonels in the Ohio militia, to the rank of Generals in the standing army, and the principal one with an additional appointment as Governour of the territory of Michigan, which appointment, for nine years, I had held, during which time my conduct in that station had uniformly received the approbation of the government. When the trial commenced, the question arose, whether the witnesses ought to be examined in the presence of each other; to which the President, General Dearborn, replied, that it was not necessary, in his judgment, to examine them apart. [See Lieutenant Colonel Forbes' report, page 117.] As all the proceedings of the court were regulated by his opinion, it would have been only a useless waste of time to have discussed the ques-

tion.—His judgment was pronounced in a positive manner, and the Court at once acquiesced in it. As the strong barriers of the constitution had been no security, but had been overleaped, on other questions; and objections on this could only have been drawn from precedent, and the authority of the best writers on military subjects; I believe you will be satisfied that any reasons I might have offered would have been unavailing—especially after the judgment of so great an authority as the commander in chief had been pronounced; *especially* as the whole plot which had been concerted might have failed.

Thus have I exhibited some of the leading principles by which the proceedings of the Court Martial were governed, for the purpose of giving you a knowledge of the manner in which my trial was conducted.

If this were the conduct of the Court Martial, it may be asked why I addressed them in different language in my defence. The reason is, my observations were then made according to the knowledge I possessed. The necessary documents to show how deeply interested the President of the court was, could not be obtained. I acknowledged the patience of the court, as it had been manifested by a session of more than forty days. In many instances, the course which was pursued was contrary to any experience of which I had any knowledge, and to which I objected. The President and members were constitutional judges, and if they erred, as all men are liable to err, I hoped they were honest errors. I observed I had confidence in their honour; from my youth I had always been taught to confide in the honour of military characters; indeed those observations were made on the ground that it is human to err. I objected, however, and stated my own ideas at the time. It would have been improper for me then to have imputed other than honourable motives; although there appeared to me a deviation in the course, yet, in the end, I expected justice. The pill which had been made for me had been prepared in secret, and it was so covered that I could not discern the deadly poison which it contained. Having now obtained and spread before you the evidence, with respect to the deep interest which both the administration and the head of the court had in the result of the trial, I believe the answer I have given to the inquiry I have mentioned, will be satisfactory.

Every member of that court martial depended on the administration for his military existence; and on you, fellow citizens, the administration depended for the continuance of power.

The declaration of war, without suitable preparation, and the misfortunes which had attended its progress, excited your just resentment. The language of discontent, in the first instance, was pronounced by you, with a freedom becoming your character, and pointed against those to whom you had committed your safety. The very ground trembled on which the administration stood. To satisfy your just resentment, it was evident a sacrifice must be prepared. The plan presented in my last number was devised; and the execution of it committed to the court martial, whose leader had been rendered immaculate, by the Secretary of War, who retired from office, loaded with all the misfortunes this leader had occasioned.

Having now, fellow citizens, presented to you a narrative of the north-western campaign, with the documents and evidences relating to it; I shall relieve your patience, after furnishing one number more, in which will be condensed a summary of the principal facts, contained in the whole. The object of this summary, is to exhibit to you, at one view the most important facts, which caused the misfortune, which the Secretary of War, was of the opinion would be attributed to him. This summary will be published, as soon as I am able to prepare it.

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## No. XXXII.

IN the second memoir which I presented for your consideration, I exhibited a general outline of the facts which it was my object to prove in the subsequent numbers. I have endeavoured faithfully to redeem the pledge which I then gave. After having stated the facts and produced the evidence it was my intention to have relieved your patience and submitted the propriety of my conduct to your judgement on the facts and evidence contained in those numbers without recapitulating them. But as some of my readers, from the manner in which they have been published, have not been able to obtain the whole of them,

and preserved the connexion, an opinion has been expressed that the subject will be more clearly and generally understood by condensing and bringing into one view the material facts which they contain. In compliance with this opinion, I will devote this number in as concise a manner as possible, to the attempt.

In the first place, the reasons are stated why this communication has not before been made, and why the evidence and documents now introduced were not produced in my defence. The delay, I told you, was occasioned by the loss of my papers and copies of the duplicates having been withheld, though frequently applied for until the autumn of 1823, when on application they were immediately forwarded me by the present Secretary of War, Mr. Calhoun. I then disclosed to you the motives which induced me to accept a military appointment in the spring of 1812, and take the command of the forces which composed the north western army. In consequence of an expectation of war with Great Britain, the savages of the north and west had been excited to hostility by the military officers and Indian agents of Canada, and it was deemed by our government, both expedient and necessary to provide a force for the safety and protection of the defenceless inhabitants of the frontiers. To effect this purpose, twelve hundred militia from the State of Ohio and the 4th United States' regiment, then at St. Vincennes, were detached by the President. I was then Governour of the Michigan territory, and in connexion with that office, I accepted the command of these troops, not by my own wish or request, but at the urgent desire of the administration. About the middle of April I left Washington and previously to my departure. I stated to the President in repeated communications through the Secretary of War, my views with respect to the command, declared that I considered the force not only sufficient in point of numbers, but likewise of suitable character for the object for which it was designed. That this object was the protection of the frontier against the savages, appears from the instructions I received from the Secretary of War, and in which letter I was ordered to proceed to Ohio, take the command of these troops and march them to Detroit, where I must make the best arrangements in my power, for the safety of that part of the country. It was then understood that in time of peace, De-

troit or some other position on the west part of lake Erie, was a suitable station for that purpose because all necessary supplies could easily be transported over that lake. I not only communicated to the government my views in time of peace with Great Britain, but also in the event of war with that nation—and stated in the most explicit manner, that a navy on lake Erie, sufficient to preserve the communication, would be indispensably necessary, and that without such a navy, the posts of Detroit, Michillimackinack, and Chicago, could not be maintained. That likewise, in such an event, all the savage warriors residing both in the British dominions, and our own territories, would probably join the British standard. After making these statements, I took the command of the army in Ohio, and opened a road two hundred miles through a wilderness. On this road I built a number of block houses, leaving in them a small force for defence, and made use of the best means in my power to preserve my communication.

While I was yet in the wilderness, the government on the 18th of June declared war. I received no account of it until the 2d day of July, while the enemy at Malden were apprised of it several days before, although that place was much farther from Washington than my army. If proper measures had been taken, this important event might have been made known to me in less than half that time. In consequence of this neglect of the administration, a vessel was taken by the enemy with the sick of my army and the hospital stores, while on her passage from the rapids of the Miami to Detroit, which vessel would not have been employed in this service, had I received intelligence of the declaration of war even one day sooner. For sending this vessel I was accused of the crime of treason by the very administration by whose neglect alone the misfortune had been occasioned. In this letter, giving me information of the declaration of war, I received positive orders to march the army to Detroit, eighteen miles in the rear of the enemy's principal fortress at Malden, and there wait for further orders. Accordingly I proceeded, and on the 5th July, the army arrived at Detroit. I then called a council of war, at the earnest importunity of my officers, when it was declared expedient to cross the Detroit river, and make the invasion of Canada, notwithstanding it was well known that my instructions were to remain there

for further orders. Much discontent was excited among some of them by my refusal to comply with their wishes. On the evening of the 9th of July, I received the letter of the Secretary of War, containing orders to cross the river and invade the enemy's territory, and in the same letter was contained a discretionary authority to make an attack on the fortress at Malden, if in my opinion, my force was adequate to the enterprise, and it could be done consistently with the safety of my other posts.

On the same evening I received this letter from the Secretary, I wrote to him, that it was my opinion that my force was not adequate to the enterprise, and stated my reasons. This letter was received by the Secretary, and laid before the President, who fully approved of it, and of all my conduct, and, notwithstanding the measure of attacking Malden was left to my discretion, and notwithstanding I had stated as my opinion that my force was not equal to the enterprise, and although this opinion had been approved by the President, yet this very measure was made a charge of a most serious nature—supported alone by the *opinions* of some of my officers, that Malden might have been taken.

In the course of my numbers, I stated, as reasons which induced me to think it expedient to commence offensive operations in conformity with the orders I received—that I should be enabled to obtain supplies for my army from the enemy's country—that it would satisfy the apparent impatience of my officers—and that a display of the American flag on both sides of the river would have a favourable effect, both on the savages and the militia of Upper Canada—but that the most powerful inducement was, to dislodge the enemy from the opposite bank, where he was erecting batteries, which would have greatly annoyed the town of Detroit. Immediately after making the invasion according to my orders from the administration, I issued a Proclamation to the inhabitants of Upper Canada, pledging to them the faith of the government, that they should be protected in their persons, property, and rights. I have stated also the manner in which this proclamation was received and approved by the President, as well as the use which was made of it at the treaty of Ghent.

By an examination of the evidence which I have exhibited,

the objects of the government in ordering the forces under my command, are fully unfolded. This evidence is the highest which the nature of the case will admit. It is contained in the message of the President of the United States to Congress, after the campaign closed. By this message it appears, that these forces were ordered to Detroit in time of peace, with a view to the protection of the territory against the savages, and in the event of war, to take possession of lake Erie, and to co-operate with other forces in the conquest of Upper Canada. This object of taking possession of lake Erie against a strong naval force of the enemy, by a small band of Ohio militia, was never communicated to me by the administration, and the first knowledge I had of it was from reading this message seven months after the campaign ended.

The *projects* of the President, as communicated by his message, not being realized, such a navy was immediately ordered to be built as I had at first recommended. With regard to co-operation, I had the fullest reason to suppose that I should be assisted by the army on the Niagara river, at the east end of lake Erie. The enemy's principal station was at Malden, eighteen miles below Detroit, on the other side of the river. The number of troops it contained, from the time of the declaration of war to the 16th of August, has been stated, and the proof furnished. I remained four weeks at Sandwich, on the British side of the river; and during that time I called two councils of war, to consider and determine whether it were expedient to attack the fort at Malden with the bayonet alone. No cannon were on carriages suitable to assist in the operation; every possible exertion had been made, and was then making, to prepare them. It was the opinion of the majority of the first council, that it was not expedient to make the attack, without the assistance of cannon. At the second council, I stated, that the heavy artillery was not in readiness, but would be in two or three days. The question was then submitted to the council, whether it were expedient to wait for the heavy artillery, in order to make a breach in the works, or immediately to make the attempt with the bayonet alone. Before the question was taken, I observed to the members, that if it should be their opinion that it was best to make the assault immediately, and they would answer for their men, I would lead them to the attack.

Colonel Miller, who commanded the regulars, replied that he would be answerable for the men he commanded. Colonels McArthur, Cass, and Findley, who commanded the militia, said they would not be answerable for their men, but hoped they would behave well. The council then determined that it was expedient to wait two days longer for the heavy artillery. In the afternoon of the 7th of August, I received letters from General Hall and General Porter, who commanded on the Niagara river, informing me that the principal part of the troops in the enemy's stations at fort George, fort Erie, and other posts on the east part of the province, were advancing to Malden; and that a large body of troops had passed over and landed on the west side of lake Ontario, and were likewise marching against my army. These letters further stated, that there was no probability that any assistance would be afforded from that quarter. Thus it appeared, from the information sent me, that the whole weight of the war in Canada rested on the few troops under my command, and certainly they were not equal both to offensive and defensive operations.

Michillimackinack had fallen, and all the forces from that direction were descending the lakes to operate against me. The savages from lake Michigan had arrived on the head waters of the rivers Raisin and Huron in thousands, (as Colonel Anderson expressed himself in his letter) and were marching to Malden. The defeat of Major Van horn had taken place at Brownstown, in his attempt to open the communication to the river Raisin; and indeed, every avenue to my country, both by land and water, was entirely closed. With this information before me, and under this unexpected change of circumstances, I considered that it was my duty to abandon the enterprise, and recross the river with the principal part of the army, which I did on the night and morning of the 8th of August. The great reason which induced me to adopt this measure, and which indeed was decisive in my mind, was, that the very existence of my army depended on opening the communication to Ohio—for though success might have attended my arms in the attack on Malden, I should yet have been left under the same embarrassment, in having my communication with Ohio still closed. In addition to these reasons, I had received information that British troops had arrived in several vessels from fort Erie, as re-



enforcements, and that the militia, which before had left Malden, had returned to their duty, on a proclamation of pardon from the commanding officer. On the 8th of August, the day I recrossed the river, a detachment was made of six hundred of the best of my troops, under the command of Colonel Miller, to open the communication to the river Raisin. This detachment was met, near Brownstown, by a superiour number of the enemy, and a severe contest ensued, and terminated with honour to the American arms. The loss on our side was between eighty and ninety killed and wounded. Nothing however but glory was acquired by this victory; the fatigue which had attended the expedition, the loss of killed and wounded, and a severe storm, prevented the detachment from proceeding on the expedition. On the 14th of August, I made another attempt to open the communication. For this purpose, I ordered another detachment, consisting of the effective officers and men of Colonels McArthur and Cass' regiments. This body was directed to proceed to the river Raisin, a number of miles west of the Detroit river, by a circuitous Indian path, to avoid further molestation from the enemy. The distance was greater, but it was my only alternative.

The effort to open the communication, by the detachments under Major Van-horn and Colonel Miller, proving abortive, and before the one under Colonel McArthur marched, I stated, to some of my principal officers, that from the information I had received, it was evident that the whole force of the enemy, of all descriptions, from the east part of Upper Canada, from Michillimackinack, and from lake Michigan, were proceeding to join the forces at Malden; that the lake was closed against us; that the road which we had opened from Ohio was obstructed by hostile savages, and that no forces from our country were prepared for its protection; that the provisions were nearly exhausted, and a supply could not be obtained from any quarter; and that, under these circumstances, I suggested the expediency of making a movement of the army to the foot of the rapids of the Miama. and there act as circumstances might require. The answer to this was, as appears by Colonel Cass' testimony, that the men, or soldiers, did not think such a measure necessary, and if the orders were given, they would not be obeyed.

This circumstance I have repeated, to show the materials of

which my army was composed, and the difficulties which attended my situation. Had this measure, at that time, been carried into effect, the army probably would have been saved.

On the 15th of August, the day after McArthur and Cass marched to the river Raisin, the British forces, with the militia and savages, attending them, marched from Malden to Sandwich, opposite to Detroit, with General Brock at their head. His letter, demanding a surrender of Detroit, and my answer, have been recited. I immediately sent an express, strongly escorted, to McArthur and Cass, with orders to return with all possible expedition to Detroit; stating that General Brock had arrived, with the re-enforcements from fort George, &c. &c. &c. My situation had now become most critical. The effective strength of two of my regiments was absent at the river Raisin, for the purpose of opening the communication, and guarding necessary supplies, intended for my camp. The British troops which had composed the garrisons on the east end of the lake, with the re-enforcements from various parts of Upper Canada, had arrived, and, together with the force at Malden, were now encamped at Sandwich, opposite to Detroit. Information was received, that the Canadian militia were coming upon me from every quarter. How all this force had been brought from so many necessary points of defence to bear upon my army, I could not imagine. What possible reasons could have induced General Brock to draw his troops from the vital part of his province, and leave his most important posts exposed to be taken by our troops on the Niagara river, was truly mysterious. Could I have supposed that a suspension of hostilities had taken place in that quarter, it seems reasonable that it would have been under the condition for the two belligerent parties to have been confined to that location in which they were situated at the commencement of the truce.

By a reference to the preceding numbers, it will appear, by the letters from the Secretary of War to General Dearborn, that he was commanded by the President to concentrate his troops on the Niagara river, invade Upper Canada from that quarter, attack the enemy's posts, and co-operate with the forces under my command. It will further appear, that he did not carry these orders into effect, but agreed to the armistice which has been mentioned, which must have been unauthorized by the

President, because it was disapproved in the most pointed language. My army not being included in the measure, and, as has been observed, no condition having been made, that the troops should remain in the situation they were, during its continuance, the effect it had on my operations is too evident to be here repeated; it must be considered as the principal and immediate fatal cause of the disasters of the campaign.

After the capitulation, I first learned from the lips of the British commander, the true state of the case—that the armistice of General Dearborn had been eight days in operation, and that *that* circumstance alone had enabled him to bring such a force against me.

Early in the morning of the 16th of August, General Brock landed his force at the Spring Wells, three miles below Detroit, under cover of the guns of his navy. From the date of the facts contained in the two numbers I have mentioned, I presume you must be satisfied, that his effective force, was more than three times greater than mine, and that he might have brought to his standard, more than ten times my number, before I could have received any assistance. This will appear, from the knowledge of the numbers which originally composed my army, from the losses by capture, by the killed and wounded in the battles which had been fought, by sickness and a variety of other casualties; and likewise from the return of the Adjutant-General Major Jessup, and the testimony of Colonel Cass. Being at this time, not only the General of the army, but the Governour of the territory, and without instructions, as to the course I should pursue, all the measures were entrusted to my discretion. Being responsible for the safety of the inhabitants, it became my duty, if it was possible, to adopt such measures as would effect that object. My situation was such, that there was no possibility of affording the inhabitants protection, further than the balls from the cannon in the fort could be carried. These inhabitants were scattered over a territory of several hundred miles. The savages had invaded every part of this territory, and while the contest lasted, there was nothing which could restrain their barbarity. The work of desolation and cruelty had commenced, and nearly half my effective force was absent, and from the time it had marched and the orders it had received from me, I had reason to believe it was nearly fifty

miles distant from me. With the feeble force under my command, I did not believe there was the most distant prospect of success, in the event of a battle; and had the forces at Detroit been defeated, the fate of the detachment under McArthur and Cass would have been inevitable. From the information I had received, with respect to General Brock's force, there could have been little hope indeed of victory. What was, however, decisive on my mind, was my situation, even in a possible event of success over his white force. I should have then been without provisions, as will appear, by the evidence contained in my twentieth number; and I had no means of obtaining possession of the enemy's navy, and opening my communication over the lake. It would in this case have become a war with savages, who would have been aided by all the remaining forces of Upper Canada, and the navy on the lake. In addition to the savage force, which was with General Brock, I have produced evidence to show that several thousands of this description were descending the lakes from the north and from the west. Had my army, however, not been divided, and had the detachment absent with McArthur and Cass, equal to about one half my effective force, been with me, or had I received, the least information, that it had been in a situation where, by any possibility, it could have co-operated, I should have risked the consequences of a battle; and those officers would have had an opportunity of proving by their deeds the valour which has been only manifested by their words.

Under the circumstances which existed after the enemy landed, and no information having been obtained from McArthur and Cass, I determined to send a flag of truce, open a treaty, and accept the best terms which could be obtained. For this purpose, I authorized two commissioners, Colonels Miller and Brush, to negotiate on the subject.

By the articles of capitulation, protection and safety were secured to the inhabitants of Michigan in their persons and property. All the militia, both of Michigan and Ohio, returned immediately to their homes, and none were retained as prisoners, excepting the few regulars, consisting then of little over two hundred. This measure, under the circumstances, was dictated in my opinion by a sense of duty and attended with less public calamity than any other which could have been

adopted, and I was willing to assume, and in my official communication to the government, took the whole responsibility of it on myself. It required more firmness and independence than any other act of my life—it was dictated by my best judgment and a conscientious regard to what I believed to be my duty, and I now sincerely rejoice, and there never has been a moment that I have not rejoiced, notwithstanding all I have suffered, that I dared thus independently to do my duty. Had that contest continued, every moment would have been attended with greater disasters, and I availed of the only measure in my power to put an end to such calamities. In the capitulation I made no provision for myself, and was ordered to Montreal an unconditional prisoner. A provision was made for all the officers and soldiers of the militia, and they immediately returned to their homes. Colonel Cass, taking advantage of my situation after the indulgence I had procured for him, proceeded directly to Washington, where he was most graciously received by the administration, and then presented an account of the campaign, before it had been possible for me to have made any communication. This letter, written by himself, giving particular details of events, of which he had no knowledge, as he was absent when they took place, was received by the administration and published as an official account in all the newspapers throughout the United States. Search, fellow citizens, the annals of history, and, I am persuaded, such an outrage cannot be found ! While I was a prisoner, my other officers, for whose liberation I had provided in the treaty, followed Colonel Cass to Washington, and seeing the favours and patronage he had received by his representation, imitated his example, and were not disappointed in their rewards.

From one end of the continent to the other, the same newspapers which had published Cass's letter, were filled with a series of the most scandalous falsehoods to excite your resentment against me, and before I was exchanged, and yet a prisoner, the *plot*, which is unfolded in my 29th number by the letter of the Secretary of War to General Dearborn, was sealed for my final destruction. As soon as General Dearborn could make arrangements for my exchange, I was arrested, capital charges were preferred against me, and a court martial was ordered to assemble at Philadelphia for my trial, of which Major General

Wade Hampton was appointed the President. In conformity to the orders of the President, I appeared, ready for my trial. But without any reason being assigned, this court martial was dissolved in the manner I have stated. I was continued by the administration a prisoner in arrest another year, that ample time might be afforded for selecting such a court martial, and patronizing and promoting officers, who, in their testimony would give opinions which would effect the object of the *plot*, which had been formed. After thus remaining a prisoner for this length of time, which I believe is unexampled in military history, and every preparation being made, I was ordered to appear at Albany for my trial the beginning of January, 1814. At this court martial I requested the privilege of being heard by counsel. The court denied me such aid. In the progress of the trial, the *opinions* of witnesses were admitted as *evidence* to prove entire charges against me. The character of these witnesses has been fully shewn. They were officers of no military knowledge or experience, and many of them deeply interested in the event of the trial, and had nothing to recommend them but the patronage and promotion they had received immediately after my unfortunate campaign, but *previously* to their appearing to testify against me.

The court martial of which General Dearborn was President, was selected the 7th day of November, 1813, during the administration of John Armstrong over the Department of War, and this court was not dissolved until the last of March, or the beginning of April, 1814. Thus was established a new military precedent, and it must be recorded in the history of our country, that the commander-in-chief of the American army, at a most critical period of the war, for about four months, relinquished his high duties as commanding General, and performed subordinate duties on a court martial, to which the youngest General in the army was competent. The question will naturally arise, what motives could have induced so unprecedented an arrangement? A constant correspondence was kept up between the court martial and the secretary of War, and directions were given respecting the manner of proceeding. See Appendix to my trial, page 29. In some of the public newspapers, it is said I am ungrateful for the lenity which Mr. Madison, the President, has shown me. As I never asked him or the court

martial for mercy, but only for justice, I cannot feel under any obligations to either. The truth is, fellow citizens, the administration well know your independent spirit and sense of right, and *dared* not execute that sentence, which injustice had pronounced. The Secretary was the same John Armstrong, who has the reputation of having commenced his career at Newburg, in 1783, and ended it at Bladensburg, in 1814 ! The two events here alluded to, are well known, and must make a part of the history of our country. The one will do the highest credit to the virtue and unshaken patriotism of the revolutionary army, in resisting a most artful and insidious attempt to induce them to turn those arms against their country which had been employed in acquiring its independence. The other must stand as a monument of disgrace to those to whom the protection of the country was entrusted, and particularly to the officer at the head of the Department of War, at whose disposal was placed the forces and means of national safety.

After I received the order to invade the enemy's territory, all the operations were entrusted to my discretion. This discretion was exercised according to my best judgment. The dictates of duty alone influenced my conduct. Had I consulted my feelings alone, and not been guided by this principle, I should have pursued a very different course. To perform what I then believed and now believe to have been my duty, it was necessary to call into exercise more firmness and more energy, than on any other occasion during my life. If it will be any satisfaction to my enemies, I am now willing to acknowledge, that I dare not do that which my best judgment and duty forbid. Considerations of personal fame, compared to duty, where as a feather in one scale to a mountain in the other.

My respect, fellow citizens, for your discernment and judgment, induces me to leave the application of the facts and evidence, contained in the preceding numbers, to your own deliberations ; with my sincere thanks for the candour which has been already manifested,

I am,

With affection and respect,

Your fellow citizen,

*Newton, July 26th, 1824.*

**WILLIAM HULL.**

## No. XXXIII.

A SERIES of papers published in the "American Statesman," by the son of General Dearborn, in defence of his father, in answer to the memoirs I have addressed to you on the subject of the north western campaign, in 1812, renders it a duty which I owe to myself, to you and to truth, to make a reply. Filial affection is justly ranked among the amiable virtues, and whenever it is properly manifested, excites both esteem and admiration. Under feelings properly tempered, the son, would have reason to expect your sympathies, which would not only have been enlisted, but deeply interested in favour of the attempt. Had cool, dispassionate reason been substituted in the place of violent declamation, and candid inquiry after truth been evinced, instead of a spirit of abuse and malignity, he probably would have realised the feelings I have described.

It is among the other misfortunes of my life, that I have now no son on whom to rest for support in my declining years. In the memorable battle of Bridgewater, in 1814, my only son, in his ardour to perform his duty, advanced at the head of his company to the most dangerous part of the sanguinary field, where he fell, covered with wounds and surrounded by the principal part of his brave men, bleeding by his side. Alone and unassisted by any thing but truth, and the candour and patience you have manifested to obtain it, I am prepared to meet both father and son, before the tribunal of my fellow citizens to which I have made my appeal. The day may arrive, when this ardent young man will deeply regret the wanton and abusive language with which he has assailed me, and for the present, I am willing to forgive him on account of his laudable effort to discharge a filial duty.

My reply will be confined principally to the plan of the campaign, as stated in young General Dearborn's defence of his father—The orders which General Dearborn received, and his duty to have co-operated with my army—The armistice to which he agreed with Sir George Prevost and General Brock's letter to General Van Rensselaer respecting it—The forces under my command and those under the command of General Brock—



The testimony of Colonel Snelling and others, and my letters to the Secretary of War. It appears from this defence, that before General Dearborn left Washington in the spring of 1812, a plan of the anticipated campaign against the Canadas, was submitted to the Secretary of War by him, in which he recommended, that one army should advance upon Montreal, by the way of lake Champlain, while three others should enter upon Canada from Sackett's Harbour, Niagara and Detroit—Here fellow citizens, you have for your own information, and for the use of the future historian, the plan of the campaign of 1812. Although I was appointed to the command of one of the three armies, yet this plan was never communicated to me by the administration or by General Dearborn, and I received no knowledge of it, until I read the President's message to Congress, after the campaign ended, in which it was partially stated, and when it was afterwards more fully unfolded by the publication, in defence of General Dearborn. The plan of the campaign, being formed by General Dearborn, he must have had a perfect knowledge of it, and he being the commanding General of our armies, it became his duty to make arrangements for its execution, especially as the troops designed for the formation of two of the armies, one at Niagara and the other at Sackett's Harbour were under his controul and subject to his command. This would have been his duty, even without special orders on the subject. Notwithstanding this, young General Dearborn states that his father made no arrangements to form these two divisions of the army at Niagara and Sackett's Harbour, until the 26th July, and assigns this reason,—that he had not received orders for the purpose. I believe you will be satisfied, as he formed the plan of this campaign—was the commanding General, and the troops which were to compose these divisions were subject to his controul and indeed under his command, that it would have been his duty to have given orders for the execution of the plan he had designed. Individuals without military knowledge and experience, from common observation, I think must accord with the opinion I have expressed. Among military men, I am confident there can be but one opinion on this subject. Whatever opinion may have been formed, I shall now show that he had orders from the war department on this subject as early as the 26th June, eight days after war was de-

clared, and while my army was labouring in the wilderness and had received no intelligence of its declaration. The following is a letter from the Secretary of War to General Dearborn, dated

*War Department, 26th June, 1812.*

SIR,—Having made the necessary arrangements for the defence of the sea-board, it is the wish of the President, that you should repair to Albany and prepare the force to be collected at that place, for actual service. It is understood, that being possessed of a full view of the intentions of government, and being also acquainted with the disposition of the force under your command, you will take your own time and give the necessary orders to the officers on the sea-coast.

It is altogether uncertain at what time General Hull may deem it expedient to commence offensive operations. The preparations, it is presumed will be made, to move in a direction for Niagara, Kingston, and Montreal. On your arrival at Albany, you will be able to form an opinion of the time required to prepare the troops for action.

Maj. Gen. H. DEARBORN.

By this letter, General Dearborn was directed to repair to Albany, and prepare the force to be collected at that place for *actual service*. What was the *actual service* for which the force was to be prepared? War against Great Britain had been declared. The commanding General of our armies had formed a plan of the campaign which had been approved by the administration. This plan was, that besides my army, three others were to be formed to move against the British posts on the Niagara, against Kingston and Montreal—and by this letter the General was ordered to Albany, to prepare the force for *actual service*. Is it possible that General Dearborn could have misunderstood this language? Could this *actual service* have been any other service than the execution of the plan which the General himself had planned? It requires nothing more than common understanding to answer this question. The order must have been as plain to him, as if an order to this effect had been given—"You are commanded to order a sufficient force to the Niagara and invade that part of Upper Canada as soon as General Hull commences offensive operations from Detroit. You

are likewise commanded to order another force to Sackett Harbour to keep in check the troops at Kingston and prevent them from re-enforcing the posts on the Niagara." The sentence of this letter of the 26th June, seems to remove a doubt with respect to the construction of it.

General Dearborn is told that he is possessed of a *full view* of the intentions of the government, and also *that he is acquainted with the disposition of the force under his command*. The time and manner of executing this part of his duty is then left to his discretion. Had there been a possibility, of doubt with respect to its true meaning and intention, the concluding paragraph rendered it as plain, as though it had been in the words I have substituted above. The Secretary tells him that it is uncertain at what time General Hull may deem it expedient to commence offensive operations.—He then says, that General Dearborn's preparations will be made to move in a direction for Niagara, Kingston, and Montreal. Does not this clearly and distinctly express to him *the intention* of the government, to form two of the divisions of the forces under his command, one for the Niagara and the other for Sackett's Harbour, to move against Kingston, agreeably to his own plan of the campaign? The words of the letter are, "The preparations it is presumed will be made to move in a direction for Niagara, Kingston, and Montreal."

Thus you see, fellow citizens, that General Dearborn was ordered by the Secretary of War, to make preparations to move in a direction for Niagara and Kingston as early as the 26th of June. I now ask you what authority his son had to say, that his father had no orders with respect to the troops at Niagara, for the purpose of co-operating with me, or to move in a direction for Kingston and Montreal until the 28th July, a month afterwards. Young General Dearborn then recites his father's letters, written from Albany, to show the manner in which he obeyed his orders.

One to General Van Rensselaer, dated 5d of August, 1812, directing him to keep up a correspondence with me.

One to Governour Tompkins, dated 6th August—requesting him to order into service two thousand six hundred of the detached militia of the State:—one thousand to join the troops at Niagara:—eight hundred to join those at Sackett's Harbour.

&c.—one of the 8th of August to Major Mullany, directing him to march to Niagara with recruits under his command. One to Colonel Fenwick, of the 8th of August, directing him to proceed to Niagara with two companies of infantry and there take the command of the artillery, &c.

One to Colonel Macomb to prepare cannon, &c. for Colonel Fenwick, &c.

One to the Governour of Pennsylvania, dated August 13th, requesting him to order two thousand militia to be marched to Niagara.

Thus, fellow citizens, you are furnished by the son of General Dearborn with documents, to show the manner in which his father obeyed his orders and fulfilled the expectations of government. I have only, you perceive, referred to the documents. They are published *in extenso*, in the defence prepared by the son, and which may be seen in the "American Statesman" 29th July, 1824. By these documents it appears, that General Dearborn did not commence giving orders and making arrangements for forming an army at Niagara, until the 3d of August. His orders were continued on the 6th, 8th, and 13th of the same month, and the principal force was ordered on the 6th, 8th, and 13th. I now ask you to examine the letter of the Secretary of War of the 26th of June, above recited, and compare it with the documents as furnished by the son of General Dearborn, and you will perceive, that it was nearly forty days from the date of that letter before he even gave orders for the preparations at Niagara, to invade Upper Canada and co-operate with me, and a month after I had crossed the Detroit river and commenced offensive operations. In my memoirs you will find recited a number of other letters of the Secretary of War to General Dearborn from the 26th of June to the time he made the armistice, directing him to attack the enemy's posts, co-operate with my army in the invasion of Upper Canada, and only make a feint against Montreal.

When, fellow citizens, you consider that this plan of the campaign of invading Upper Canada from Detroit, Niagara, and Sackett's Harbour, was made by General Dearborn himself and approved by the administration.—That as early as the 26th of June, only eight days after the declaration of war, the Secretary of War wrote to General Dearborn, that he should prepare the

force for actual service, and stated that it was understood, *that he was possessed of a full view of the intentions of government, and acquainted with the disposition of the force under his command*; and when he perfectly well knew that I was on my march to Detroit, and was to commence offensive operations as soon as possible after my arrival, and that his preparations would be made to move in a direction for Niagara, Kingston, &c. I again ask you, whether his remaining idle and inactive, and not even having given any orders for making preparations at Niagara, &c. for so long a time, was not a disobedience of both the letter and spirit of the orders which were given on the 26th June, and from that time continued, until he agreed to the armistice, by which he disqualified himself from making use of the forces in making diversions in the enemy's country, attacking their posts, or co-operating with me in any manner whatever.

From General Dearborn's conference with Governour Tompkins, and from his letter to the Governour of Pennsylvania, published by his son, it appears that he was authorized by the President, to call for as many militia as he deemed necessary, to form the armies at Niagara and Sackett's Harbour, for the invasion of Upper Canada; and it is well known, being the commanding General, all the regular troops in the northern part of the United States were at his disposal, and subject to his command.

In cases where General Dearborn's orders were discretionary, he would be governed by his own judgment, and was only responsible for the manner in which it was exercised. Admitting he had been vested with discretionary powers *altogether*, I believe you must be satisfied, that under the circumstances which existed, nothing could have justified his delay and neglect in giving orders for the execution for the plan of the campaign which had been planned by himself. But this was not the case; and ample proof has been exhibited, both in my memoirs, and in this reply, that as early as the 26th of June, and at different times, to the period when he agreed to act only on the defensive, he was ordered to prepare an army at Niagara to co-operate with me, as also at the other posts for the conquest of Upper Canada.

I think with propriety, fellow citizens, I may now ask you, who has made the *rash and unfounded* declarations which this son of General Dearborn has with so much malignity imputed to me? All his sensibilities appear to have been excited, and all the powers of his mind called into exercise with a desire to make you believe that his father had no connexion with the two armies, which by his own plan were to be formed, to co-operate with mine in the invasion of Upper Canada, until the 26th of July. The investigation I am now considering, is highly important, both as it respects myself and General Dearborn. If it can be shewn that neither from his rank nor the instructions he received, it became his duty to have given orders for the formation of the two armies which were to co-operate with mine and for the invasion of Upper Canada below, until the 26th July, and that after that period he made use of all the means with which the administration had furnished him, in making the necessary preparations, I will very cheerfully say, I have accused him wrongfully, and will make any acknowledgments which the propriety of the case and justice to him may require. At present, however, I am satisfied that I have not, and I continue the same accusation against him, that it was his duty, under his commission and the orders of the 26th of June, to have made those preparations, which it fully appears he neglected to do.—Again, fellow citizens, I ask you attentively to read this letter of the 26th June and compare it at the same time with the plan of the campaign which has been published by the son of General Dearborn and of which his father had a most perfect knowledge, as he formed it himself. When you have done this, I shall be satisfied with the result of your inquiry.

There is another point of view, in which justice seems to require, that this subject should be considered. I will here state some principles and facts, in which there will be no disagreement. Those entrusted with the government of a nation never ought to *declare* war, until suitable preparations are made. Although in time of peace, a nation ought to be prepared, at least for defensive war, yet whether prepared or not, when war is declared against it, the event must be met. For the *declaration of war* however, without suitable preparation, there can be no excuse. If General Dearborn can show that the war of 1812 against Great Britain, was declared without suitable prepara-

tion, or that for want of orders, it was not his duty to make the preparations for co-operation in Upper Canada, or for the want of means, it was not in his power to make such preparations, in either of those cases, the blame must rest on the administration. This must be obvious, because it was the duty of the administration, who had recommended the declaration of war and had adopted a plan of operations, to have given timely orders and to have furnished the necessary means for making such preparations. Certainly the fault could not have rested on me, because, by the plan of the campaign, formed as has before been described, three armies were to be provided for the invasion of Upper Canada and none but mine was ever brought into operation. If my army were sufficient for this object, it was certainly a great fault in the administration, to order three armies, when three times the expense would be incurred. My object is to show, that the disasters of the campaign ought not to be attributed to me. No one will believe it was in my power to conquer, with one army, a country for which the administration had assigned three. It was then either the fault of the administration or of General Dearborn. Believing I shall satisfy you that I faithfully did *my* duty, it is not material to me, whether the fault rests on General Dearborn or on the administration.

Had this defence of young General Dearborn rested on the ground, that war was declared without suitable preparation—or on the neglect of the administration, in not communicating timely instructions to his father, or had it been shewn that necessary means were not furnished, it is possible the effort which has been made to shield General Dearborn, would have been crowned with more success. With a chivalrous spirit the young General has adventured into the field and has not only become the advocate of his father but of the administration. It is well known, fellow citizens, that the author of this defence received and has enjoyed for more than twelve years, one of the most lucrative offices in its gift, the salary and emoluments from which during that time, cannot have been much less than one hundred thousand dollars. A desire to retain so valuable an office, or if he pleases, gratitude to his benefactors, must have produced a severe and conflicting struggle, with the discharge of filial duty. As a large portion of this defence con-

sists of a republication of my trial, and as he has studiously introduced the names of the members of the court martial, it must be evident that he does not consider that you have any right to examine for yourselves the proceedings of that trial, but that the sentence of the court martial ought to be considered as final. Had this not been the case, his defence would have been addressed to the same tribunal to which I appealed. The difficulty was, he well knew, that you would not be willing to appoint General Dearborn, President of that tribunal, on which you are to sit in judgment. He was doubtless also influenced by similar motives to those expressed in the letter of the Secretary of War to his father, which is recited in the 29th number of my memoirs, where, in his very emphatic language he says, that "so long as you (that is General Dearborn) enjoy the confidence of the government, the clamours of the discontented should not be regarded."

In my next number I shall reply to young General Dearborn, on the subject of the armistice.

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## No. XXXIV,

It is stated in the defence of General Dearborn, that no troops or military supplies were sent to the relief of Fort Malden, during the temporary armistice—That General Brock had no knowledge of it, until he returned to Fort George, and that so far from neglecting the situation of General Hull, every precaution was taken by General Dearborn, to render the arrangement, not only not injurious, but advantageous to him. It is very desirable to present to you, a certified copy of the Armistice, entered into on the 8th of August by General Dearborn on one part, and by Sir George Prevost on the other. The son of General Dearborn says, it was entered into on the 9th of August—but I find he has published a letter from General Van Rensselaer to General Dearborn, in which he acknowledges the receipt of General Dearborn's letter of the 8th of August, enclosing the very agreement for an armistice. The letter re-



ferred to, is published by young General Dearborn in the "American Statesman" of the 29th of July, 1824. This proves that it was made at least as early as the 8th of August. I really hoped he would have published a copy of it, in his defence of his father. I have applied to the offices of the Secretary of War, and likewise of State, and the original cannot be found on record or on file in either of those offices. I likewise applied to Governor Eustis, who was Secretary of War at that time, who declared that it was received at the War Office and placed on the file or recorded. Who has taken it from the office, I know not. The son of General Dearborn has however published two letters explanatory of it, one to the Secretary of War and one to me, for which I ought to express my obligations to him, as the information they contain, will be highly useful in the investigation of the subject. When I wrote my memoirs, I only had the explanation of it, as contained in a letter of the Secretary of War to me, and likewise in another letter from the Secretary to General Dearborn. I will now copy both of the letters which the son has been so kind as to furnish, and I should have been under greater obligations, if he had furnished an authenticated copy of the original instrument itself. Were we possessed of it, the true interest and meaning of the armistice might be better understood. The letters referred to are as follow.

Letter from General Dearborn to the Secretary of War, informing him of the temporary armistice.

*"Head Quarters, Greenbush, Aug. 9th, 1812.*

SIR,—Colonel Baynes, Adjutant General of the British army in Canada, has this day arrived at this place, in the character of a Flag of Truce, with despatches from the British government, through Mr. Foster,\* which I have enclosed to the Secretary. Colonel Baynes was likewise the bearer of despatches from Sir George Prevost, which is herewith enclosed. Although I do not consider myself authorized to agree to a cessation of arms, I concluded that I might with perfect safety, agree that our troops should act merely on the defensive, until I could receive directions from my government; but as I could not in-

\* Late Minister of Great Britain, then at Halifax.

clude General Hull in such an arrangement, he having received his orders directly from the department of war, I agreed to write to him, and state the proposition made to me, and have proposed, his confining himself to defensive measures, if his orders, and the circumstances of affairs with him, would justify it. Colonel Baynes has written similar orders to the British officers in Upper Canada, and I have forwarded them, to our commanders of posts, to be by them transmitted to the British commanders.

I consider the agreement as favourable at this period, for we could not act offensively, except at Detroit, for some time, and there it will not probably have any effect on General Hull or his movements, and we shall not be prepared to act offensively in this quarter, before you will have time to give me orders for continuing on the defensive or act otherwise.

We shall lose no time, or advantage, by the agreement, but rather gain time without any risk. It is mutually understood, that all preparatory measures may proceed, and that no obstructions are to be attempted, on either side, to the passage of stores, to the frontier posts ; but if General Hull should not think it advisable to confine himself to mere defensive operations, the passage of military stores to Detroit, will not be considered as embraced in the agreement last noticed.

Col. Baynes informs me, that a party of British troops and Indians, had taken possession of Michilimackinack, and that our garrison were prisoners. I made no particular inquiry as to the circumstances, as I entertain some doubts as to the fact. I have no expectation that the government will consent to a cessation of hostilities, on the strength of the communication forwarded by Mr. Foster ; but all circumstances considered, it may be well to avail ourselves of the occasion, until we are better prepared for acting with effect ; at all events, we can lose nothing by the arrangement, I have consented to, it being explicitly understood, that my government will not be under any obligation to agree to it, unless the despatches from the British government should be such, as to induce the President to propose an armistice, as preparatory for negotiations for peace. I informed Colonel Baynes, that our government would readily meet any such overture from Great Britain, as clearly indicated a disposition for making peace on satisfactory terms ; but af-

ter what had occurred, in relation to the adjustment with Sir Erskine, it could not be expected that any other than the most explicit and authentic directions to their agent in this country, would produce any change in our measures. It is evident that a war with the United States is very unpopular in Canada.—Colonel Baynes arrived at our frontier post, at Plattsburg, and was conducted to this place by Major Clark, an officer in the detached militia of this State, he returned this day with the same officer.

I am, Sir, &c.

H. DEARBORN.”

Letter from General Dearborn to General Hull, announcing the temporary armistice.

*“Head Quarters, Greenbush, Aug. 9th, 1812.*

SIR,—Having received from Sir George Prevost, Governour General, and commander of the British forces in Upper and Lower Canada, despatches from the British government, said to be of a conciliatory nature, which I have forwarded to Washington, and a letter from Sir George Prevost to me, by his Adjutant General, Colonel Baynes, proposing a cessation of hostilities on the frontiers; I have so far agreed to his proposals as to consent that no offensive operations shall be attempted on our part, until I have received further instructions from our government; but as you received your orders directly from the department of war, I could not agree to extend the principle to your command, but I agreed to write to you, and state the general facts; and propose to you, a concurrence in the measures, if your orders and situation would admit of it; of course you will act in conformity with what has been agreed upon, in respect to the other posts on the frontiers, if not incompatible with your orders, or the arrangements made under them, or the circumstances under which this letter reaches you. Any preparations for offensive operations may be continued, and when it is agreed to suspend any offensive operations no obstacles are to be opposed to the transportation of military stores. In all cases where offensive operations cease, by virtue of the aforementioned agreement, four entire days are to be allowed, after either party shall revoke their orders, before any offensive operations shall commence. A letter from Colonel Baynes, to the

commanding officer at Amherstburg, has been forwarded by me to the commanding officer at Niagara, to be by him transmitted to Detroit. The removal of any troops from Niagara to Detroit, while the present agreement continues, would be improper, and incompatible with the true interest of the agreement. I have made no arrangement that should have any effect upon your command contrary to your own judgment.

I am, &c.

H. DEARBORN."

The publication of the letter above recited addressed to me, is the first knowledge I ever had of it. It never was received by me.—Without any other feeling than a desire for truth, I will examine these letters with all due caution, and give them no other construction, than such as is obviously to be inferred from the language with which they are clothed. Here is presented by the son of General Dearborn, his father's own letters, explanatory of his temporary armistice, as it is called by him. He does not present the agreement itself, for reasons which I shall not pretend to conjecture. If it were as favourable to his father, as the explanation given of it in these letters, I am sure you will believe it would not have been withheld. I will now consider, what it appears to have been by these letters. Colonel Baynes, the Adjutant General of the British army, came to General Dearborn's head quarters, with a proposition from Sir George Prevost. The General says, in his letter to the Secretary of War, "although I do not consider myself authorized to agree to a cessation of arms, I concluded I might with perfect safety agree, that our troops should act merely on the defensive."—These are the very words he makes use of. There is not one word in his letter to the government, by which it can even be inferred, that there was any agreement on the part of the British Adjutant General, that the British troops opposite to ours, should likewise act only on the defensive. General Brock, with all the forces of Upper Canada, was left at perfect liberty to march offensively against the forces I commanded. General Dearborn agreed to write to me, that I might act on the defensive only, if I thought proper. And it seems to have been virtually understood, that the British commander, General Brock, might also act only on the defensive, if he thought proper. These discre-

boundary powers appear to have been vested both in General Brock and myself without any special authority, either from the British Adjutant General or from General Dearborn. Thus it seems, by General Dearborn's own letters, that General Brock was at liberty to march all the forces of Upper Canada, and invade our country, by his attack on me, while General Dearborn became pledged, by his armistice, to confine himself to his post, where he was then situated, and could not cross the Niagara river, to take possession of fort Erie or fort George, although they were left in a perfectly defenceless condition, without violating his own agreement. It must be seen, that so long as we are deprived of the original agreement for this temporary armistice, that I have no other mode of explaining it, than by the information which General Dearborn has given in his letters explanatory of it. If it contains any thing more or any thing different from what has been or may be explained, let a copy of the original instrument be produced. General Dearborn in his letter to the Secretary of War, says, "that he did not consider himself authorized to agree to a cessation of hostilities," and in another part of his letter he says, "that he has no expectation that his government will consent to a cessation of hostilities on the strength of the communications which he had forwarded to the Secretary of State on the subject." But nevertheless, *he* agreed to act only on the defensive.

As it does not appear by the above letters, to have been stipulated, that the British were to act only on the defensive, I ask whether such a construction can be inferred from the terms contained in those letters? According to the common meaning and acceptance of language, it cannot. It is proper to construe this instrument, as it actually was, and not as it ought to have been.

In the letter which he says he wrote to me, he gives the same account, *that he had agreed to act only on the defensive*, which is contained in the one to the Secretary of War. He further says in his letter to me, that "the removal of any troops from Niagara to Detroit while the agreement continued, would be improper and incompatible with the true intent of the agreement." This is his own construction, but there is nothing contained in the letters referred to, as far as I can comprehend them, which will justify such a construction. It is certain, Sir

George Prevost did not put this construction to the agreement, for it appears by General Dearborn's letter to General Van Rensselaer, dated twelve days after it was made, and while it was in full force, that he refers to detachments which had been sent from Niagara to Detroit, and General Van Rensselaer was ordered to prepare, to take advantage of their reduced posts, soon as there should be orders to act offensively. And no evidence has been offered, to show, that this removal of the troops from Niagara to Detroit, was ever complained of by General Dearborn, as a violation of the armistice.

This then was the temporary armistice, which General Dearborn agreed to, as appears by his own letters, and although not authorized to agree to an armistice, and having stated to the Secretary of War, that "he had no expectation that the government would consent to a cessation of hostilities, on the strength of the communication forwarded by Mr. Foster," yet he did agree that his troops should act only on the defensive, regardless of my situation, and leaving me to be exposed to the united forces from Niagara and at Malden.

Was it possible for him to have made an arrangement more fatal to me? How long did this temporary armistice continue?—A letter from General Van Rensselaer, dated at Lewistown, to General Dearborn, acknowledges the receipt of General Dearborn's letter of the 8th of August, enclosing the armistice, so that it must have been as early as the 8th of August. This letter is published by the son of General Dearborn. By a letter which he has also published in the same paper, from General Brock to General Van Rensselaer, dated the 25th August, 1812, —General Van Rensselaer is informed, that General Brock dispatched an express to Amherstburg, the day before, giving information of the armistice. By this letter it appears, that the armistice must have been in operation, at least from the 8th to the 25th of August, when if we suppose the armistice to have ended, which was not the case, however, and four days being allowed thereafter, for notice to have been given of its termination, the period of its operation would then have amounted to twenty-one days. During all this period, General Brock had it in his power, with all his forces of every description, to come against me, while the whole American forces on the Niagara

river, were confined to our territory, under the armistice of their commanding General.

In answer to young Gen. Dearborn's round assertion, that at this time, no troops left Niagara for Malden, I will recite the letter of his Father to Gen. Van Rensselaer, dated the 20th of August. It is in these words—"as it is believed a detachment has been made from the British force at Niagara, to re-enforce the garrison at Malden, it will be necessary to be as well prepared as possible, to take advantage of the reduced force in your front, as soon as there shall be orders to act offensively."—In his letter likewise to the Secretary of War of the 7th of August, General Dearborn states the movement of the British troops from Niagara to Detroit. This was one day only, before he agreed to the armistice, in anticipation of which, there can be no doubt, this detachment of the British, took advantage of the contemplated temporary cessation of hostilities. This testimony the young General Dearborn has furnished, as will be found, by reference to the defence of his father and expressed, in a letter of which the following is a copy, of so much as relates to that part of the subject.

#### Letter to the Secretary of War.

*"Head Quarters, Greenbush, August 7, 1812.*

SIR,—I have been honoured with your letters of the 26th, 27th and 29th ult. and of 1st and 5th inst. I have been making arrangements with Governour Tompkins for having re-enforcements sent to Niagara, Ogdensburg and Plattsburg. I trust they will be moved soon; but too late, I fear, to make the diversion in favour of General Hull, which is so desirable.

"I have ordered Lieutenant Colonel Fenwick, with two companies of Simond's regiment, two 18, and two 12 pounders, to move up the Mohawk to Utica, where the roads part, which lead to Niagara and Sackett's Harbour.

"I shall order a detachment of light artillery, and the infantry, with the heavy pieces, a quantity of ammunition, intrenching tools, and other articles, to proceed to Niagara.—The whole, except the light artillery, will go by water from fort Schuyler. I wrote to the commanding officers at Niagara and Sackett's Harbour, confidentially, to let it be known they had received

intelligence, that large re-enforcements of regulars and militia were on their march to join them : I enclosed a letter to each of them to that effect. It is said, that a detachment has been sent from Niagara, by land, to Detroit ; if so, I should presume, before they can march two hundred and fifty miles, General Hull will receive notice of their approach, and in season to cut them off before they reach fort Malden.”

Here then we have the testimony of General Dearborn himself, that on the 7th of August, a detachment of British troops had marched from Niagara to re-enforce the troops at Malden ; and on the 20th of August, General Van Rensselaer was informed, that a detachment had marched from the same place.\* Either then there were two detachments of the British which moved forward to Detroit, as referred to by General Dearborn on the 7th August to the Secretary of War, and afterwards on the 20th of the same month in his letter to General Van Rensselaer, a more minute account of which, giving the amount of the force of one detachment, is given by the above letter of Colonel Cass, or General Dearborn was criminally negligent, in suffering thirteen days to elapse, between the 7th and 20th August, before he communicated to General Van Rensselaer, information of so much importance. The young General may have his choice of the alternatives, in making out the defence of his father.

There is another consideration which must be irresistible on this subject. Sir George Prevost was the commanding General of both the Canadas. General Brock was acting governour, and commanded the troops in Upper Canada, and was under the command of Sir George Prevost. At this time I had invaded Upper Canada from Detroit. No invasion was made from any other quarter. It was of great importance, to re-enforce the

\* In addition to the letters of General Dearborn which have been cited, it further appears by Colonel Cass' letter to the government, dated 10th September, 1812, which has been published in General Dearborn's defence, that the enemy at Malden, about the 10th August, after the armistice was entered into, received a re-enforcement from the same place. His words are “about the 10th August, the enemy received a re-enforcement of about four hundred men.”

It appears evident, from this statement of Colonel Cass, that the force of four hundred men, which arrived on the 10th August, must have been an extra force, besides that of General Brock, which did not reach Malden, until the 14th of the same month.



troops at Malden, to repel this invasion. Troops could not be removed with safety to the British posts below, while our troops at Niagara, had a right to act offensively.

I now ask you, whether you do not believe that this plan was concerted by Sir George Prevost, solely for the purpose of enabling General Brock to carry his troops to re-enforce the troops at Malden? And whether you do not believe, as soon as the plan was conceived and Sir George Prevost had determined to send his proposals to General Dearborn, that he immediately gave General Brock information, that a suspension of hostilities would probably take place at Niagara, and that he might with safety to those posts, march his troops to Malden, which it appears by the two letters above recited to the Secretary of War and to General Van Rensselaer, he actually did.

The facts thus proved by the letters of General Dearborn to the Secretary of War and to General Van Rensselaer, shewing that a detachment had moved from Niagara for Malden, and the commentaries which have been and will now be made on them, will give a satisfactory explanation of the letter of General Brock, which has been published by young General Dearborn. General Brock had carried his re-enforcements to Malden, and during the existence of the armistice, was engaged in offensive operations. When he wrote his letter of the 25th August to General Van Rensselaer, disavowing any knowledge of the armistice, at the time of his attack on Detroit he had then returned with his re-enforcements to fort George. It is true, the despatches from the British Adjutant General, communicating *official intelligence* of the armistice, and which General Dearborn had undertaken to transmit to the British commanding officer at Niagara and to myself *may* not have been received by General Brock, as he states, previously to the 25th of August. But I would ask how it happens that this official intelligence of the armistice was not received by General Brock, before the 25th August, seventeen days after it was agreed upon? And what became of the despatches, which it is stated General Dearborn had transmitted to me, and which I declare I had never received.

In a letter from General Dearborn to the Secretary of War of the 7th of August, he says, "I have been making arrangements with Governour Tompkins for having re-enforcements

sent to Niagara, Ogdensburg, and Plattsburg, I trust they will move soon, but too late, I fear, to make the diversions in favour of General Hull which is so desirable." In the same letter of the 7th of August, he informs the Secretary "that a detachment had been sent from Niagara to Detroit." What were the circumstances which induced General Dearborn to express to the Secretary of War his *fears* that the re-enforcements he had ordered from the State of New York would be too late to make diversions in favour of General Hull? Although he says these re-enforcements would move soon, yet he says he fears they would be too late. Does he not himself in this very letter give the reason why it would be too late for these re-enforcements to co-operate with me? viz. "that a detachment of the British had been sent from Niagara to Detroit." With the knowledge before him of the movement of this detachment, I think I may then ask, what possible reason could have induced him on the very next day to have paralyzed his own troops on the Niagara, by pledging himself that they should act only on the defensive? As soon as this temporary armistice was made, on the 8th August, the British Adjutant General delivered a copy of it to General Dearborn enclosed in a letter to General Brock or the commanding officer at fort George, to be transmitted by him, as he had undertaken to have it sent. Permit me again to ask, what could have induced him to have adopted a measure, which he himself says he was not authorized to agree to, and which he believed the government would not approve? If he should say his object was my relief, I must request you, fellow citizens, now to consider the measures he adopted to afford that relief. All the letters containing this important information, were entrusted to General Dearborn to be communicated. He was the commanding General of our armies and must have known how materially this important measure would effect my army, and having entered into it himself, it evidently became his duty to have taken the most effectual means regardless of every expense, to have made this communication to me with the greatest possible expedition.

The distance from Albany to the Niagara river, is about three hundred miles and thence to Detroit about two hundred and fifty miles more. It appears then that I was about five hundred and fifty miles from Albany, where General Dearborn

was situated at the date of the armistice, and that General Brock was on his way to Malden. Intelligence of this armistice might have reached me in five days after it was agreed upon, by an express, travelling less than five miles an hour. Had this been done, I should have received the armistice three days before the 16th August, the day that General Brock invaded our territory. By the measures adopted by General Dearborn to have these important despatches conveyed, it will be seen by reference to General Van Rensselaer's letter to General Dearborn, as before recited, that he did not receive them until the 17th of August being nine days in travelling three hundred miles, and by General Brock's letter to General Van Rensselaer, it appears *he* did not receive them until his return to fort George, after the capitulation at Detroit, and as I have before stated, the despatches sent to me, I have never received. Had proper and efficient measures been adopted by General Dearborn, to forward the despatches with such expedition as they might have been sent, according to his own construction of the terms of that agreement, General Brock would then have received the *official account* in due time to have prevented his invading our territory in his attack on me, and I should have had it in my power to have exercised my discretion in agreeing likewise to the armistice or to have acted otherwise, as circumstances might have warranted. General Brock having made the invasion of our country in his attack on me, during the operation of the armistice, he felt the necessity in justification of himself, of writing the letter referred to, addressed to General Van Rensselaer, protesting against any knowledge (*meaning official knowledge*) of the existence of such armistice at that time. It is well known that the Adjutant General is the direct organ of communication, through whom orders are made known to an army, and if by other means, a subordinate officer has received intelligence of such orders unless communicated in an official verbal or written form, from the commanding officer, he is not bound and indeed he dare not obey them. The armistice having been made nearly three weeks before General Brock had returned from Malden to his post on the Niagara, I ask you whether it is probable that it was such a profound secret in Upper Canada, that General Brock should have received no *indirect* information of it, when he was in a situation where it might

have been communicated to him in three or four days at most. Truth is frequently more clearly elicited from circumstances, than from any other kind of testimony. Records are liable to be mutilated; the memory of man is not always correct and retentive; interest, passion, and prejudice frequently have a powerful operation on the mind. In the case under review, the circumstances which existed speak in terms most convincing and irresistible.

It is necessary to take a view of the situation of both armies, and their relation to each other, with the objects of both parties in the war, to form a proper estimate on the subject. The army I commanded, made the invasion from the Detroit river. I had no co-operation. This was owing to the neglect of General Dearborn in the first instance and to his temporary armistice in the second. This armistice was proposed by Sir George Prevost at a time when his provinces were invaded from no other quarter but Detroit. I ask you, then, for what purpose this proposal was made? To your consideration and judgment I cheerfully submit the two following inquiries. First, whether the sole object was not to enable General Brock to march with the troops from the east part of the province to re-enforce the troops at Malden, to repel the invasion I had made? Second, whether from the evidence and circumstances which have been related you are not perfectly satisfied that General Brock had information of the temporary armistice before he returned from Malden, three weeks after it had been made—a sufficient time for the information to have arrived, had it been sent from England? In support of this evidence and of these circumstances, I do now in the most solemn manner declare, as I before stated, that immediately after the capitulation on the 16th August, General Brock informed me that the orders in Council had been repealed, and General Dearborn had agreed to an armistice at Niagara and the other posts where he commanded, and he hoped and expected it would be the foundation of peace between the two countries; or words to that effect. You all well know fellow citizens, with what despatch expresses are sent almost every day through the country for the benefit of commercial speculation, and that the distance of five or six hundred miles is frequently travelled over in about three days. With the knowledge of such facts which the experience of all of you confirm,

announcing the armistice, and had I found it expedient, to have proposed a similar measure the enemy was at full liberty to do as he pleased, and leave me no choice.

The son of the General, in defence of his father, says, "that so far from neglecting the situation of General Hull, every precaution was taken by General Dearborn to render this arrangement not only *not injurious but advantageous to him!*" On what grounds was this opinion of the son of the General founded? I am left to suppose that it was on the letter of his father to the Secretary of War, in which he observes, "I have no expectation that the government will consent to a cessation of hostilities, but all circumstances considered, it may be well to avail ourselves of the occasion, until we are better prepared for acting with effect; at all events, we can lose nothing by the arrangement I have consented to, it being explicitly understood, that my government will not be under any obligation to agree to it, unless the despatches of the British government are such, as to induce the President to propose an armistice, as preparatory for negotiations for peace!"

The only reason given in this letter is, that we might be better prepared. Whose fault was it that we were not better prepared? In my 33d number, it is proved, that it was the duty of General Dearborn to have made the preparations at Niagara, &c. and that he neglected, *even* to give any orders for the purpose, more than forty days, after the Secretary of War, gave him instructions for the purpose.—No principle is better established, than, that a man shall not take advantage of his own wrong.

Thus I have proved that he knew I required assistance—that re-enforcements of the enemy had been sent to aid in opposing me—that he did not include my army in the armistice, and yet that he made it while possessed of this knowledge. I ask you to consider what motives could have induced him to have agreed to a measure, so fatal to my army?

I will now consider young General Dearborn's remarks as to my views of the conquest of Canada, without the assistance of a navy.—The best evidence, I can offer is my official letters to the government. In a letter addressed to the Secretary of War, in 1809. I say, "I would likewise suggest for consideration the expediency of building some armed vessels on lake Erie, for the

purpose of preserving the communication. *Consider you have three military posts to the north and west of these waters, and no other communication with them.*" In the next, dated the 6th of March, 1812, more than two months before the declaration of war, I observed, "If we cannot command the ocean, we can command the inland lakes of our country, I have always been of the opinion, that we ought to have built as many armed vessels on the lakes as would have commanded them. We have more interest in them than the British nation, and can build vessels with more convenience." Both these communications were made before I accepted a military appointment.

After this appointment, and before I left Washington, to take the command of the northwestern army, I presented another letter to the Secretary of War, and I here copy from my defence before the court martial the contents of it. Page 38— "It did contain, a representation, in the most explicit and strongest terms, of the necessity of our having a naval force superiour to the enemy on the lakes, and that without it, and unless the army I was to command was strengthened by additions to its numbers, and unless it was followed by detachments, to keep open the communication, and insure it supplies from Ohio, and unless it was supported by co-operations on other quarters, my army could not be able to maintain itself at Detroit, much less carry on offensive operations in the enemy's country."

On this subject, I will here state the testimony of Captain Charles Stewart of the navy, who says that at an interview he had with the Secretary of the Navy, in the beginning of April, 1812, "the Secretary informed him, that it was contemplated to give him the command of the lakes; that a naval force superiour to the British on the lakes, had been strongly urged by General Hull, *as essential*, and as a certain means of ensuring to the army success." This interview of Captain Stewart with the Secretary of the Navy did not take place, until I left Washington for Ohio, to take the command of the army, as he had not arrived, while I was there.

Young General Dearborn ought to have stated the whole of General Porter's testimony—it is to be found in pages 126 and 127 of my trial.

He says, the last of March or the beginning of April, he was with me at the office of the Secretary of War, and I recommended that a navy should be formed on the lakes, to have a superiority over the British in case of war; that I stated the strength of the British naval force; and that I recommended a sloop of war of twenty guns, and that the brig Adams, then on the stocks, should be taken into the service; and the Secretary of the Navy proposed writing to Captain Stewart at Philadelphia, to repair to Washington to concert measures. He then says, that a navy agent was appointed on the lakes; that he was twice at the President's with me, when the subject of a navy was talked over; at one time, he says, that the President thought it would be abandoned—at another time, he agreed that it should be done. I have stated here the substance of his testimony on this subject, in as concise a manner as possible.—Whoever wishes to see the whole of it, will find it in the book and pages I have mentioned.

It does not appear that the plan was abandoned before I left Washington; because after my departure a navy agent was appointed to build a navy, and Captain Stewart was sent for to command it.

- If the President at any one time suggested to General Porter that it was abandoned, it must have been mere loose conversation, and not an official determination.

My letters to the government on this subject, ought and will be considered the best evidence of my opinions; and as they were received as official communications, I had good reason to believe that the views of the government accorded with my own. Every person, therefore, who will read these letters to the government, on the subject of a navy, the last of which was written after I was appointed to the command of the northwestern army, and a few days only before I left Washington, and likewise the other testimony I have offered, must be satisfied, that I had reason to expect a navy sufficient to preserve the communication of the lake, would have been constructed.

It is true, in my official communications, and in my conversation with the members of the administration, that while I urged, in as strong language as I was capable of using, the expediency, and indeed necessity, of commanding the upper lakes, in the even of war with Great Britain, at the same time I

stated the only measures by which our territory and posts situated on those waters could by any possibility be preserved, provided a navy could not be prepared.

Should not that essential preparation be made, the plan which I proposed was, as soon as war was declared, to cross the Niagara river with a large army, to co-operate with the forces I commanded. I further stated, that if with these armies we could make the conquest of Upper Canada, the harbours around every part of the lake would be in our possession, and the navy of the enemy could not be supported, and must be destroyed; or fall into our hands.

If on the alternative, here stated, the administration abandoned the measure of building a navy in 1812, and adopted the suggestion I had made, an army ought immediately to have been assembled on the Niagara river, of sufficient strength, to have co-operated with mine, to have taken possession of the province, and especially of the harbours on the lake. This not being done, was strong evidence to me, that the alternative was not adopted, and that a navy would be prepared, which in all my communications I recommended in conjunction with an army to be preferable. Ever since I have had a knowledge of that country, I have given the opinion, and that opinion now seems to be confirmed by experience, that the command of the lakes, is essential to its preservation.

This opinion was founded on its distant and isolated situation, Detroit being separated from any other settlements, by a wilderness of more than two hundred miles, Michillimackinack five hundred, and Chicago eight hundred, and the whole of them situated on navigable waters.

This must continue to be the case, until they are united to the states, by the progress of settlement. This explanation I have been called to make in consequence of General Dearborn's assertion, and you have now before you *both* of my views as to the conquest of the Canadas.

In this defence of General Dearborn, it is very frequently asserted, that I could have taken the British fort at Malden, and my instructions from the Secretary of War are recited, to show that it was my duty to have done it, indeed, that I was directed to do it; as it was made a crime against me for not doing it, I will ask your attention to this part of the subject. On the



first column of the defence of General Dearborn, are recited the only orders I received on this subject. They are dated the 24th of June, and were received on the 9th of July; I here copy them from his defence, with my answer on the same day they were received.

“Should the force under your command be equal to the enterprize, consistent with the safety of your own posts, you will take possession of Malden, and extend your conquests as circumstances may justify. It is also proper to inform you that an adequate force cannot soon be relied on for the reduction of the enemy’s posts below.”

My answer to this part of the Secretary’s letter on the subject of taking Malden, written on the 9th of July, the same day it was received, is in these words: “The British command the water and the savages. I do not think the force here equal to the reduction of Amherstburg, (meaning Malden.)”

I am much obliged to the author of the defence, for copying the last paragraph of this letter, which he says I omitted; it is a very strong additional reason for the opinion, I gave for not making an attack on that fortress. I was informed by it, that the divisions of the army at Niagara, &c. were not ready to co-operate in the invasion of Canada. It now appears by this letter of the Secretary of War, that I was ordered to cross the river, and make the invasion of Upper Canada, and the enterprize of attacking Malden, was left to my discretion, and I was to make the attempt if in my opinion, it could be done consistent with the safety of my other posts; and it likewise appears, that I wrote to the Secretary, on the same day that I received this letter, that it was my opinion, that it could not be done consistently with the safety of my other posts. Here is presented all the orders and facts, which relate to this subject. I now ask you, fellow citizens, and particularly those of you, who have had military experience, and paid particular attention to military subjects, whether, under these orders, and the opinion I had given to the government, I could have been justified, in making the attack? If I had ordered the enterprize, and it had been unsuccessful, would not the administration have said, and with propriety, that the measure was left to my discretion, and I had given my opinion, that it could not be undertaken, with safety to my other posts? Indeed, whether the true mean-

ing and intention of this order, considering the opinions I had given, in conjunction with it, and the information the letter contained, that I should then have no co-operation, was not that I was not authorized to make the attack ?

Besides, after the Secretary of War had received this letter, in which I stated that my force was not equal to the enterprize, I received an answer from him, in which he said, that my conduct was not only approved, but viewed with the highest satisfaction, by the President. From these facts and documents, it must be evident, that I strictly obeyed the orders I received from the government, and that different conduct would have been a violation of at least the spirit and intention of them.

## No. XXXVI.

I WILL now reply to that part of the defence of young General Dearborn in protection of his father. in which he accuses me with attempting to pervert the testimony of Major Snelling, and endeavour to satisfy you, that there is not the least foundation for this accusation. To exhibit it in the plainest possible manner, I will here copy the testimony on column No. 1. precisely as it is printed in the number of my memoirs, to which the young General refers, and in which he says it has been perverted, and opposite to it in No. 2. you will see the testimony, as printed in the Report of the trial, with the *same* punctuation, as in each.

### No. I.

Witness says, "That he stood at the corner of the slip leading to the gate of the fort. and attempted to count the British troops on entering the fort; that the troops in advance were the 41st regiment, in platoons of fourteen files as well as the York volunteers. twenty-nine platoons, two deep in red coats; that the militia platoons, which were

### No. II.

"That witness stood at the the corner of a slip leading to the gate of the fort, and attempted to count the British troops on entering the fort—that the troops in advance were the 41st, in platoons of fourteen files, as well as the York militia volunteers—twenty-nine platoons, two deep, in red coats—that the militia platoons consisted of no more

in the rear, consisted of no more than seven or eight files, and composed one third part of the whole force, probably seven hundred & fifty whites; of which the remaining two-thirds were regulars and uniformed militia."

than seven or eight files, and composed one third of the whole force—probably seven hundred and fifty whites—of which the remaining two-thirds were regulars and uniform militia."

Witness says, agreeably to statement, "That the troops *in advance*, were the 41st, (meaning regiment) in platoons of fourteen files, as well as the York militia volunteers—(as well as, that is, the 41st regiment *with the* or *as well as* the York militia volunteers) (York militia volunteers, militia of course, they being volunteers) twenty-nine platoons, two deep, in red coats—that the militia platoons (which were *in the rear*, certainly, as the 41st regiment and the York militia volunteers were *in advance*, as above stated) consisted of no more than seven or eight files, and composed (what composed, why the militia platoons composed) one third of the whole force—(one third of what, why of the whole force) probably seven hundred and fifty whites—(who do these *seven hundred and fifty whites* refer to, why, to one third of the whole force) of which the remaining two thirds were regulars and uniform militia," (what does, of which refer to, why to whole force) the remaining two thirds (one third of the whole force, being seven hundred and fifty whites) the other two thirds must of course have amounted to fifteen hundred whites, as twice seven hundred and fifty is equal to fifteen hundred; and seven hundred and fifty being added to fifteen hundred, makes the whole white force amount to two thousand two hundred and fifty whites, as I have represented in my memoirs, and now have actually demonstrated. It will therefore read thus,

"That the troops *in advance* were the 41st regiment, in platoons of fourteen files, as well as or with the York volunteers—twenty-nine platoons, two deep, in red coats—that the militia platoons, which were *in the rear*, consisted of no more than seven or eight files, and composed one-third of the whole force, probably seven hundred and fifty whites, of which the remaining two-thirds were regulars and uniform militia." From these premises, I make the following calculation, That the number of militia being seven hundred and fifty whites, which was one-

*third of the whole white force* and the remaining *two-thirds*, which were regulars and uniform militia, and consisting of course of fifteen hundred, inasmuch as the first third seven hundred and fifty, gives therefore the aggregate white force, the number of twenty two hundred and fifty men, as I have before stated in my memoirs. Add to this only six hundred Indians, which it is proved by the testimony of Lieutenant Forbush, before referred to, and which he states to have counted the day before the capitulation, and the whole number of the enemy would amount to two thousand eight hundred and fifty men.

In my defence before the court martial, I merely referred to that part of Major Snelling's testimony, where he mentioned seven hundred and fifty whites, without considering it in connexion with the other part of it. In my memoirs I stated that I had only two-days allowed me to prepare my defence, and arrange a mass of testimony which had occupied thirty-two days in presenting to the court. I observed it was not so full and intelligible, as it might have been, had more time been allowed me. Although however I may have stated the testimony of Major Snelling, on my trial, as young General Dearborn has represented I did, yet if any part of it were overlooked by me at that time, which is susceptible of a construction on a less hurried examination, to operate in my favour, a candid and liberal mind would at once concede, that it was not only my prerogative, but that, in justice to myself, it becomes my duty to avail myself of it.

I will now state to you the testimony of Major Jessup, who was the Adjutant General of my army, as reported in my trial, page 94, in these words, "That he had received a report from different Adjutants of different corps, estimating the men fit for action, and thinks that the amount exceeded one thousand men, including the Michigan militia of four hundred, and the detachments absent with Colonels Cass and McArthur; perhaps this estimation includes the Michigan legion."—He likewise says, "there were also on the evening of the 15th, about thirty or forty armed wagonners." Young General Dearborn, in his defence, says, the Michigan legion consisted of one hundred. After deducting these detachments, it will appear, that my whole effective force on the day of the capitulation, did not

exceed but about six hundred men, agreeably to this testimony.

By examining the testimony of Colonel Cass, as contained in his memorable letter to the government, he states the effective men fit for duty on the 16th August at one thousand and sixty, without including, as he says, a detachment to which he refers, and the Michigan militia of three hundred, on duty. This statement, you will perceive, is made thus minutely by a man, who was absent at the river Raisin with Colonel McArthur on the 16th, and could therefore only receive his information from hearsay testimony, whereas the statement of Major Jessup, is testimony furnished by an individual, the Adjutant General of the army, and being present on the 16th testified both to what he saw and heard on that day. The variance of their testimony I will leave with you to reconcile or to discriminate between them. From the above view, it appears, my force on the day of the surrender was less than one third of the white force of the enemy, and not a fourth of his whole force, consisting of white men and Indians.

The manner in which young General Dearborn has given an account of the numbers of my army renders it necessary, to make some explanation of it. He has extracted the whole number in each regiment from a return, which was made at fort Findley on the 17th of June, soon after the army commenced its march in the wilderness—and has represented it in such a way, as to induce you to believe, that the number he has mentioned was present and fit for duty at the time of the surrender. Young General Dearborn has been a military officer himself, and must have known, that such a misrepresentation would have deceived those unacquainted with military forms. He well knew, when a Colonel makes a return of his regiment, he is obliged to include in it, every officer and soldier, belonging to it, whether present or absent, fit for duty or not fit for duty. He had the returns before him, when he made the extract; why then did he not publish those returns instead of the total aggregate? It is well known that the fourth regiment had been stationed at post St. Vincennes and joined the militia regiments at Urbanna a few days only before the army marched. All the sick and non effective men of the regiment, were left at that post, and many were debilitated on the march and did not join

the regiment at Detroit. When young General Dearborn was stating a few lines only of Colonel Miller's testimony, ought he not to have stated the Colonel's account of the numbers that regiment contained? If he had stated this account of the number of that regiment, instead of four hundred and eighty-three, it would have appeared that only two hundred and fifty or two hundred and sixty were at Detroit and considered effective men. By reference to page 111, of my trial, it appears that when asked the strength of the fourth regiment, fit for duty on the morning of the surrender, says, "There were about two hundred and fifty or two hundred and sixty, effective for duty." General Dearborn then makes it appear, that in the three Ohio regiments of militia, with the few dragoons there were fifteen hundred and ninety-two men. This number is three hundred and ninety-two more than the President had ordered, which number as has been stated, was twelve hundred, and I had no authority to take any surplus under my command. The Colonels, I presume at that time, must have included this surplus of three hundred and ninety-two men, in their returns, in order to obtain provisions for them in the wilderness, as it could not be obtained in any other way. These men were volunteers, who had joined us at intervals on our march, and were not under my orders—they returned home whenever they pleased. At the time of the capitulation, on the 16th August, young General Dearborn includes all the straggling volunteers, all the men of the fourth regiment who were left at post St. Vincennes, all that were left sick on the march, and all the Michigan militia which were then scattered over a territory of five or six hundred miles in extent. If he had been desirous of presenting to you a just statement of my effective force on the day of surrender, he never could have exhibited the statement which he has now attempted to impose upon you. Michillimackinack, which was a part of the territory and all the militia at that place and the adjoining country, were in the hands of the enemy. By a letter I received from Colonel Anderson, which I recited in a former number, who commanded at the river Raisin, he requested me, not to order any militia from that place to Detroit, but desired I should send re-enforcements and ammunition, for the preservation of the settlements, against the savages. This was at that time the largest settlement in the territory, except-

ing the one at the Detroit river. Under the exposed condition of that settlement, as stated by Colonel Anderson, no men were ordered from that quarter to Detroit. Indeed, there were no militia which could have been collected at Detroit, excepting the few who resided on that river. By ascertaining what population was on the Detroit river, and the disposition that was manifested by such of those as were with me on the 16th August, you will be enabled to form a judgment of their numbers and what dependence I could place on them. I was of the opinion, and I believe you will agree with me, there could have been none at all. A part of them had joined the enemy at the Spring Wells, and their Colonel informed me on the morning of the 16th, that the whole of them would do the same.

In our investigation, we ought always to make use of the best evidence the nature of the case will admit. In this case, the return of the Adjutant General is the best evidence. I have stated his testimony, given under oath, relative to my force on the morning of the 16th of August, and he says, "that the number of effective men, was about one thousand, including Mc Arthur and Cass's detachments—" and by deducting them for the reasons, which have been fully stated, my force would be reduced to about six hundred men. Thus you see the monstrous errors, which this son of General Dearborn has committed in his solicitude to defend his father. To check his impetuous ardour, the boundaries of truth have been no barrier, but have been overleaped with as much facility, as if straws only had impeded his course.

It is a duty which I owe to myself and to a proper investigation of the subject, to state the situation and inducements of the witnesses, immediately after the surrender, but before the trial, the testimony of whom is introduced to you by young General Dearborn, that you may judge of the degree of credibility to which each is entitled.

In the first place, I will introduce to you Colonel Cass, who proceeded to Washington immediately after the capitulation, and under the eye of the officers of the administration, addressed a letter to the Secretary of War, giving such an account of the events of the campaign, as they, who were my prosecutors, wished.

He was the first witness examined by the court Martial. All the other witnesses were present, and attended to hear the testimony he gave. Before he testified, he had been promoted from the rank of a lieutenant colonel of militia, which he held while under my command, to the rank of brigadier general in the standing army, and by looking at the register of the regular army at that time, it will be seen how many colonels of that army were superseded, to make way for his promotion. When he was on the stand, testifying, he had in his pocket, an additional commission, as governor of the territory of Michigan, which office, I had held for nine years, and my conduct had received the fullest approbation of the government. If you will examine the newspapers, devoted to the administration, around the capital, at Albany, where the court martial was held, you will there see, immediately after he testified, the manner in which his testimony was applauded. When the young officers who were left to follow him, perceived the distinguished favours he had received, and the manner in which his testimony was applauded in the newspapers, and being present and hearing the testimony he had given, I ask you, whether, they did not expect, that following the paths he had opened, they would attain by the most direct course, similar favours and distinctions?

The letter which he had written to the Secretary of War, before I was in a situation to communicate official information of the event, has since been published by young General Dearborn, in defence of his father. This letter, giving a minute account of transactions, a knowledge of which he could only have acquired by hearsay, was not only received from a junior officer, and published by the administration as an official letter, but was sent by the same administration to the court martial, as evidence against me, to prove capital charges, and has been recorded in my trial!! By his own testimony, it appears that he was absent at the time, and all the knowledge he had of the transactions on the 14th, 15th, and 16th of August, as I before observed, was mere hearsay evidence.

I ask you to compare the statements made in this letter, with the testimony of the witnesses under oath, who were present, and from whom he must have received his information. In his letter, he says, after he returned to Detroit, Major Jessup, the Adju-



tant General, informed him that my force on the morning of the 16th of August, was one thousand and sixty, and further says, the detachment sent to the river Raisin, was not included in that return. Major Jessup, the Adjutant General, says, he informed Colonel Cass of the return that morning, and that there was about one thousand, and expressly says, that this detachment *was* included in the number. It would tire your patience to point out all the variations of this letter from the testimony; I therefore leave the comparison with you, as the whole of the letter, and the testimony of the Adjutant General, from whom he says he received the information, have been published.

General McArthur, was a lieutenant colonel in my army, and after the campaign, and before he gave in his testimony, was appointed a Brigadier General in the regular army, without having performed any service to entitle him to it, or ever having had any military experience, excepting while under my command. The administration could certainly have had no other motive in superseding all the colonels in the regular army, in making this appointment, than to prepare him to testify against me. Colonel Snelling, was a captain in my army, and before he appeared as a witness against me, was promoted, and soon after had a regiment given to him. The administration never even instituted an inquiry into his conduct, for having left his post at the Spring Wells, on the night of the 15th August, 1812, without orders, where General Brock landed the morning after.

Major Whistler was a captain in my army. This officer was a soldier in General Burgoyne's army, and deserted from it. During the Indian war, while General St. Clair commanded, he enlisted in our army. Having been in the British army, he had acquired some knowledge of the manual exercise, and was appointed a sergeant: afterwards an ensign: and finally advanced to the rank of captain. The President being informed of his character and situation, refused him further promotion, although he became entitled to it in regular succession. For a number of years, younger officers superseded him. He submitted to this degradation, and did not resign, according to usual custom in such cases. At my trial his testimony was wanted by the administration, and he was promoted to the rank of major, and travelled from Ohio, in the midst of winter, to testify against

me. He was certainly deeply indebted to the administration, and did not fail in his testimony to make a suitable reward. He ought, however, to have remembered, what would have been his fate as a deserter, if I had not made particular provision, in the capitulation, that *all* belonging to my army, should be protected in their persons. Major Jessup, was a lieutenant in my army. I appointed him brigade major, and acting adjutant general, with the brevet rank of major. After the campaign, but before he presented himself as a witness against me on my trial, he was appointed a colonel in the army, and afterwards, quarter master general, and is now quarter master general of the United States. All the other witnesses, part only of whose testimony have been cited in the defence of General Dearborn, who could be induced to testify against me, were patronized and promoted, and prepared to follow General Cass, the principal and leading character in the mock trial, under which I have suffered. In considering the testimony of these witnesses, you will find, that the principal part of it consists merely of their *opinions*, with regard to my declining the attack on Malden, in retreating from Sandwich, in not keeping open my communication to Ohio, and in agreeing to the capitulation. The witnesses ought not to have been suffered to have stated any thing but facts, and it was the province of the *court* to have formed *opinions*, on those facts. By this mode of procedure the witnesses became the judges, and the court was left in the degraded character of being the organ of their opinions. I will now, fellow citizens ask your patience a few moments, while I present to you, from the reports of the trial, from which young General Dearborn has made his extracts, a small part of the other evidence, which was given to the court martial, and will refer you to the report of my trial for the whole of it. I will begin with Colonel Miller's testimony. It is to be found in page 115. He says, "that he saw nothing in my conduct on the 16th of August, which the fatigues I had undergone, and the responsibility which was upon me, might not have produced." General Dearborn in defence of his father, has only cited a line or two of Colonel Miller's testimony. It contains several pages, and I refer the reader to the whole of it. It will be seen that Colonel Miller, who was constantly with me, *saw nothing in my conduct, which the fatigue I had undergone, and the responsibility*

*which was upon me, might not have produced.* And in his testimony afterwards, when particularly inquired of, could state nothing but the surrender, which could have made any other impressions. Colonel Miller was a witness, and not a member of the court martial; and it was his province as a witness, *only*, to have stated facts. It was known that I had surrendered, and the manner in which I had surrendered, and it was for the court to have determined whether it was proper or not. His testimony, therefore, must be considered favourable to me. I have been the more particular in making these observations, because they will apply to more than half the witnesses on the trial. They stated nothing but the naked facts, that I refused to attack Malden, that I retreated from Sandwich, that my communication with Ohio was not kept open, and that I agreed to the capitulation; all of which was supported by *their opinions only*, to prove that I was influenced by other considerations than a sense of duty. On an investigation of the causes which led to these events, the court martial was sitting in judgment, and the opinion of witnesses ought not to have been admitted.—Therefore it is unnecessary to be more particular in reciting them.

I will here state the testimony of Captain Bacon, who was then an officer in the fourth regiment, page 124, report of the trial. "Witness saw General Hull once on the 15th of August, on the parapet, and once on the 16th. He saw him also, in different parts of the fort during the cannonade. General Hull appeared engaged as usual, and agitated more than usual on the morning of the 16th, but witness does not know the cause. He had no suspicion that it proceeded from personal fear, neither did he hear any officers at the time express an opinion that it did." The testimony of this officer was favourable to me; he received no favour, no promotion from the government. The first opportunity that occurred when the army was reorganized. Captain Bacon, though a valuable officer, *was not even retained in service*. In page 131 of my trial, will be seen the testimony of Major Munson, a major in one of the Ohio regiments. He says, "the General's situation was a critical one; he had a great deal of responsibility and great care on his mind, if he had any feelings. I saw nothing in his conduct, but what might be accounted for, without recurring to personal fear."

You will observe, fellow citizens, that the court martial acquitted me of the charge of treason, and every specification under it. My trial was delayed nearly two years, by the administration, to hunt up testimony on that charge. Not even the shadow of testimony could be found; not one act could be discovered, which afforded even the colour of proof. The clan of witnesses, who had been patronized and promoted in the manner which has been shewn, were as ready to have given opinions on this charge, as they were as to my personal appearance.

Both the administration, and the court martial thought it would be too great an outrage, on established precedent, to found a conviction on the *opinions* of witnesses alone, without proving a single act in support of this charge. They believed the reasons, good sense and justice of mankind, in this enlightened age, would revolt at such an attempt. For this reason alone, the ground was changed, and all the power of my prosecutors was collected to a single point, to prove that I was under the influence of personal fear. In searching the records, far back in the days of ignorance and oppression, when the people were not allowed even to think, some precedents were found, for the admission of *opinion* on this charge. The witnesses therefore were allowed to state their *opinions*, that I was under the influence of personal fear, because I did not attack Malden, because I retreated from Sandwich, because I did not open any communication with Ohio, because I agreed to the capitulation, finally, because they *thought* there was the appearance of alteration in my countenance. It will be perceived that when I considered it not expedient to attack Malden; to retreat from Sandwich, and to take measures for opening my communication to Ohio, there was no enemy within eighteen miles of me, *and in reality, no appearance of immediate danger*. When in the exercise of my discretion and best judgment, I performed those acts, was it proper for the court to take the opinions of witnesses, with respect to the motives which induced me to adopt them? Was it not their province alone to determine the propriety of these acts? I ask, whether the court did not give up its prerogative to the witnesses, when their opinions on these military acts were admitted as evidence? for what purpose were their opinions admitted? Certainly for no other, than to prejudice the minds of the court, and induce it to pronounce

judgment against me. If then the judgment of the court was grounded on the *opinions* of the witnesses, the witnesses might as well have been the court, and have themselves pronounced sentence. I will here present to you some extracts from a celebrated English historian, who gives an account of the trial of Lord George Sackville, who was tried for misconduct at the battle of Minden.

Doctor Smollet, the historian, having stated that some testimony was given to prove that when certain orders were delivered to Lord George, he was alarmed to a very great degree, and seemed in the utmost confusion, subjoins remarks, from which the following are extracts. "The candid reader will of himself determine, whether a man's heart is to be judged by any change of his complexion. Granting such a change to have happened; whether it was likely that an officer who had been more than once in actual service, and behaved without reproach, so as to attain an eminent rank in the army, should exhibit symptoms of fear or confusion, when in reality there was no appearance of danger. With regard to the imputation of cowardice levelled at Sir George, by the unthinking multitude, and circulated with such industry and clamour, we ought to consider it as a mob accusation, which the bravest of men, even the Duke of Marlborough could not escape. We ought to view it as a dangerous suspicion, which strikes at the root of character, and may blast that honour in a moment, which the soldier has acquired in a long course of painful services, and at the continual hazard of his life. We ought to distrust it as a malignant charge, altogether inconsistent with the former conduct of the person accused."

In the application of the observations of this historian to my situation I hope, without the appearance of vanity, under circumstances which have taken place, I may ask your attention to the actual service, and the dangers I was called to encounter during the war of the revolution? From an examination of the history of that period, from authentic accounts, documents, and other evidence, which have been recently published, and from the knowledge of many of my associates in those memorable conflicts, who are now living, the manner in which I conducted may be made known to you; you may be made acquainted with the numerous battles in which I was engaged, and the approba-

tion of my conduct on every occasion, by the illustrious leaders of our armies ; on the other hand, there is now presented to you the events of an after period. The plan of the campaign of 1812 has been laid before you ; the part which I acted in it has been fully unfolded. The character of the army I commanded has been explained ; the orders I received have been recited, and the object of the government, with regard to the conquest of Upper Canada, and the manner in which I commenced offensive operations from Detroit, in conformity to my orders, have been spread before you. You have likewise before you, the orders which General Dearborn received from the government, dated as early as the 26th June, eight days after the declaration of war, to form two armies, to co-operate with me, in the invasion of Upper Canada, agreeably to his own plan of the campaign, and the manner in which he obeyed those orders. That I was not only left alone and unassisted, but that he agreed to an armistice, which enabled General Brock with the whole force of Canada to march against me ; and that he made this armistice, when, as appears by his letter of 7th August, to the Secretary of War, only one day before, he acknowledges he had been informed that troops were marching to Malden, from Niagara, against me. In addition to this force from the east, Michilimackinack had fallen, and the forces in that quarter were bearing upon me ; Chicago had fallen, and the savages from the west were pressing forward ; the road I had opened from Ohio was closed by hostile savages, and the lake was shut against me by the British navy. Being not only the General of the army but the Governour of the territory, I ask you to reflect on my situation at the time, when General Brock landed with a force more than three times superiour to mine, and invaded our territory—to consider the scattered situation of the inhabitants of the country—that it was impossible for me to afford them protection ; under these circumstances your views will no doubt accord with the testimony of Colonel Miller, and many others of the witnesses on my trial, who stated “that they saw nothing in my conduct, but what the responsibility of my situation, and the fatigue I had undergone, might occasion.” And when you further consider, how deeply interested, not only the administration, but the president of the court martial were in the result, of my trial, and likewise the manner in

which the witnesses had been trained by patronage and promotion, before they appeared as witnesses against me, the informality in receiving their testimony in the presence of each other, the admission of *opinions*, in lieu of direct testimony as to facts, I most willingly appeal to your judgment, for an approbation of my conduct.

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### No. XXXVII.

YOUNG General Dearborn has published a number of my letters to the Secretary of War, and you will see by the dates of many of them, they were written while I was in the state of Ohio, and before I had any knowledge of the declaration of war. In answer to his strictures on those letters, I will observe that I expressed my honest feelings of the opinion I entertained, of the character of the citizens of Ohio. That they manifested a praiseworthy spirit, and had volunteered their services, with a promptitude and energy which was highly honourable to them.

I further observed, "that the army was in high spirits, and animated with a laudable zeal," and in another letter observed, "that the patriotism and perseverance, with which this army has sustained a march, attended with difficulties, uncommon in their nature, does honour to themselves and their country." These expressions of approbation, I then thought, and now think were due to them.—I knew, and therefore said nothing of their discipline, military experience, or subordination.

It will be recollected in the letter of the Secretary of War to me, of the 9th of April, the force, which I was to command, was described, and the object of my command then stated. The force was twelve hundred militia, and the fourth United States regiment.—The object was the security of the Michigan territory, and the protection of the exposed frontier settlements from the Indians. This force I stated to the government, was sufficient for this purpose in time of peace. It would, therefore, have been wrong for me, to have asked for a larger force under those circumstances.

I stated likewise, the amount of my force and the numbers which had joined the army, after I commenced my march through the wilderness. I have explained to you the manner, in which this force was formed. I stated that I considered it sufficient to oppose any force of Indians which could be brought against me.

After the declaration of war, and after the desertion of some of the militia, I wrote to the Secretary, that although I might take Malden, yet I thought it would be attended with too great a sacrifice. In reflecting on the expediency of attacking the regular constructed fort at Malden, defended by British troops, I could not call to my mind a single instance during the revolutionary war, where militia had successfully marched up to, and carried regular fortifications. I expressed it as my opinion, which was also concurred in by a council of war, that we had better wait until heavy cannon could be provided—my calculation was made, and my communications to the government were founded on the force, which was then at Malden, and the additions which probably would be made to that force.

Had not the post at Malden been re-enforced in any other manner than I had reason to expect, in the common occurrences of war, my opinion then was and now is, that I should have been able to have sustained my situation at Detroit, provided, I had been assisted from Ohio, in opening my communication, in such a manner as to have received supplies.

It will, however, be observed, that I stated in one of the letters, quoted by young General Dearborn, that the force at Malden, in point of numbers, was superiour to mine. And if one part of my letter is recited to operate against me, the other part ought certainly to be entitled to equal credit. There is no doubt, fellow citizens, that the force ordered for my command, was sufficient for the protection of the frontier settlements, against the Indians, in time of peace, under all the excitements which could have been made, which, as I was informed by the government, *was* the object, for which it was ordered.—And further, in my opinion, it would have been sufficient, not only to have defended our territory, but successfully to have commenced offensive operations against Upper Canada, had the communication of the lake been preserved by a navy, and had the commanding General prepared suitable armies from Niaga-



ra to have co-operated with it, instead of having, at a critical moment agreed by an armistice, to act only on the defensive, and thereby leave the whole force of the province to operate against it. It will be distinctly remembered, that when I informed the government, that Malden might be taken with the forces under my command, I observed in the same letter it would be attended with too great a sacrifice. After having made this communication, "that it was my opinion it would be attended with too great a sacrifice," and that opinion having been approved by the President, I submit to your judgment, whether, under those circumstances, I could have been authorized to have made the attempt, without a positive order for the purpose.

The son of General Dearborn has endeavoured to make the impression, that my complaint of the court martial, in not suffering counsel to appear in my defence, was without any foundation. It is true, when I informed the court of the names of the gentlemen I wished to employ as my counsel, the request appeared to be granted. When the trial commenced, and the gentlemen attempted to examine the witnesses, they were informed, that they would not be permitted to examine the witnesses, speak to any collateral question of law, which might arise in the trial, or to the final question, whether by the evidence, I was guilty or not. At the same time, Mr. Dallas, and Mr. Van Buren had been employed by my prosecutors (the administration) to assist the army Judge Advocate, and allowed to examine the witnesses, speak to all questions of law, and to the final question, whether I was guilty of the charges or not, and I was not permitted to reply in any manner whatever, to the application of the testimony, and the arguments, which were made use of, to enforce it against me. Of what use was this apparent candour, in consenting that I might employ counsel? Without the permission of the court, I had a right to ask the advice of any counsellors, that I chose to employ. It is true, the court did not post centinels at my door, and prevent me from consulting with them, neither did they prevent them from writing any questions, and handing them to me, to be proposed to the witnesses. All this they certainly would have had a right to have done, without the permission of the court.

It would have been too great an outrage, for the court to have

determined, that no one should be permitted to write for me, or advise with me.

There could have been no mode of executing an order of this kind, but confining me in a dungeon. Throughout the whole trial, the order of the court, that my counsel should not be permitted to speak in its presence, was rigidly adhered to. It frequently happened, in the course of the trial, that questions of law arose, with respect to the admission of testimony, and on other subjects. Feeling myself incompetent to the discussion of these legal questions, the law was explained by the Special Judge Advocate, who was employed and paid by my prosecutors, and adopted by the court, according to his explanation.

It must be obvious, that the manner in which it was admitted could have been of no use to me. As the administration had employed special counsel to assist the Judge Advocate in the prosecution, the court was not willing, in direct terms, to deny my request. It was however granted in a manner, only to save appearances, but not to be of the least use to me.

I now ask, whether the scales of justice, held by the hand of General Dearborn, the president of the court martial, were equally balanced in this case? My right to employ counsel was founded on the liberal principles of our government, and particularly on our constitution, which is the highest law of the land.

I need only appeal to your own sense of justice and right, fellow citizens, for you to confirm the reasonableness of a request, to be allowed the same assistance of counsel, in the fullest extent, where not only life, but character, which is dearer than life, is depending on the issue of the trial, as is admitted in the most trifling trespass, or question of property, before any of the courts in our country. The argument, fellow citizens, in favour of my right to counsel, to assist me, in showing my innocence, and defending my life and reputation, is founded on that constitution, which is the work of your own hands, and is your unalienable inheritance.

The precedent, by which the arguments urged by young General Dearborn are supported, is founded on a practice, established in the dark ages of tyranny and oppression, when the people were considered as having no rights, and their lives, liberty, reputation and property, were at the disposal of the

will of a tyrant. It is for you to judge, on which side is the weight of argument, and on which side the scales of justice preponderate.

In the defence of General Dearborn, the testimony of Captain Whistler is recited, with respect to provisions. In one of my numbers, I have informed you of the character and situation of this officer. Admitting however, his testimony to be true, with respect to the barrels of provisions in the store, which he says he counted, if you will only take the trouble of calculating the number of rations they would make, and the time when he counted them, and compare it with the issues previous to that time, which have been stated by the contractor, you will find it only would have lasted to about the 16th of August, the day of the capitulation. This statement you will find, is correct by mathematical calculation. This witness has likewise stated the the number of cannon, small arms, powder and ball, at the fort.

In reply I will only observe, that a part of these cannon were left by the British, when the fort was delivered to us, by virtue of the treaty of peace, being principally without carriages, and were considered as useless. Others were left, with the small arms and powder, by General Wayne's army which was disbanded at Detroit, after the Indian war, and all the carriages were rotten, and the small arms ate up with rust and not worth repairing. The powder remained so long a time in the store that it had lost all its strength, and was no better than ashes. I should be wanting in duty to myself, did I not make some reply to that part of the defence which relates to the Indians.— I refer you, fellow citizens, to the 3d number of my memoirs, in which I recited a letter, which I wrote to the Secretary of War on that subject. In that letter the character, habits, and predominant passions of the Indians are described. I informed the government that in the event of war, the sachems and chiefs would advise the warriors to take no part in it, but gave it as my opinion in the most explicit manner, that their authority over them would not be able to restrain them. The policy of our government was not to employ them. As soon as I took the command of the army, I sent messages to their villages and advised them, in the event of war, to remain quiet in their wigwams, and take no part in the contest, in which they could

have no interest. The old sachem chiefs, called in councils, and advised the warriors to this policy. Their advice and authority had no effect, and as I was not authorized to employ them, they all joined the British standard.

Their conduct was precisely such, as I had predicted to the government, and there was nothing, which could have made it different, but an invitation to them to join our standard, which I had no authority to give.

Young General Dearborn has published the names of the officers who composed the court martial, with his father at the head, as president. It required two-thirds only of the members, to pronounce the sentence. It is very certain, that it was not unanimous, as it is said two-thirds of the members agreed to it. Had it been unanimous, it would have been so stated. It must be evident, that a part of the court were opposed to it. I should be happy indeed, were it in my power, to designate the characters, who were only influenced, by disinterested and honourable motives.

I have stated the reasons why I did not object to the president or any of the members of this court martial. I had been much more than a year, a prisoner in arrest, was conscious of having faithfully done my duty, and in my official communication to the government, requested an investigation of my conduct. It had been delayed in an unprecedented manner, during this long time, and I believed, had I made objections to the president or any members of the court, it would have caused further delay. Besides, most of the members of the court were strangers to me; men, whom I never before had seen, and whose names I had never heard, excepting General Dearborn, General Bloomfield, Colonel Fenwick, Colonel House, and Lieutenant Colonel Conner.

By examining the list, published by young General Dearborn you will perceive, the other members belonged to new raised regiments which did not exist, during the campaign of 1812. They were appointed to regiments numbered from thirty-two to forty-two. They had no military rank at that time.

It is well known, that officers were selected to form these additional regiments, from the most violent partizans of the administration, and this alone was a sufficient qualification. Officers of this description constituted a majority of the court.

They were pledged to any measures, which the administration, my prosecutors, wished. With respect to General Dearborn, the president, the deep interest which he had in the issue of the trial, has been presented to you.

General Bloomfield was a meritorious officer of the revolution, and served with credit to himself. He was an amiable and much respected citizen at the termination of the revolutionary war, and I believe retained the esteem of society to the close of his life. He is now numbered among the dead, with many others, his compatriots in arms—and in the presence of that Judge, who examines the motives as well as the actions of men—and before whose tribunal we must all appear.—May he rest in peace!

Colonel Fenwick and Colonel House, I have ever believed were governed by the purest and most honourable motives, and were under no other influence, than a sense of duty. Under this influence, whatever may have been their opinions, I shall ever respect them as honourable men. Lieutenant Colonel Conner received his commission about the time that General Dearborn was appointed the first Major General. It was obtained by his patronage. He was in his family, and one of his aids de camp. But a short time before the court martial was ordered he was promoted to the rank of lieutenant colonel by the same patronage, and selected as a member of the court for my trial. To the president of the court martial, he owed both his first appointment, and his sudden promotions.

Any comments from , appear unnecessary.

When you consider, that the court martial was composed of a majority of officers selected from the additional regiments, not in service until after the campaign of 1812, and when you reflect on the conditions on which officers were appointed at that time, that they must be zealous supporters of every measure of the administration and subservient to the wishes of its officers and of its commanding General, as an indispensable qualification to promotion, and how deeply interested that administration, who became my prosecutors, were, in fixing the disasters of the campaign on me, I am persuaded you cannot be at a loss to declare the motives which prompted the sentence of two thirds of a court martial, thus selected and thus organized. When you further consider, that this court martial re-

ceived the opinions of witnesses on great military operations, who never had any military experience, and many of whom from the evidence now presented, you must be satisfied, were deeply interested in my condemnation, you must be sensible, that little or no credit ought to be given to their testimony. From the sentence of such a court martial, whose judgment was formed on testimony like this—I have appealed to the highest tribunal on earth, whose decision I am convinced will be founded on impartial justice. In answer to my animadversions on the proceedings of the court martial and the evidence I have produced, to show the deep interest which the president and some of the members had in the issue of the trial, and the motives which must have influenced, nearly the whole of them, he has extracted from my defence an observation which I then made, expressive of my confidence in that court martial. As this is his last effort and seems to be his *dernier resort*, in defence of his father, it becomes necessary to furnish its true explanation. By an examination of the extract, it will be seen, that it is qualified by this remark, ‘that there has been some departure from accustomed forms.’ Nothing is more evident, for the just construction of a sentence, than that the whole of it ought to be taken into one view, with the circumstances under which it is made. Having stated the manner in which I lost all my papers which related to the campaign, it is well known, that I had no documents at my trial, excepting such copies from the records of the government as my prosecutors thought proper to furnish. In my repeated applications to the government, I requested to be furnished with copies of all the documents which had any relation to the campaign. None were furnished, excepting such as it was thought would operate most strongly against me. In my defence, it may be seen, in what manner I applied for particular documents, which I shewed were deposited in the War Office, and the reasons which were offered, why they were not furnished. The letters from the Secretary of War to General Dearborn, containing the orders to him to co-operate with me, his letters to the Secretary and all the letters relating to the armistice were withheld, and I was consequently deprived of the use of their contents. All I then knew, was that such arrangements had been made, but on what principles, by whose authority, and for what reasons, were unknown to me,

as I could give no explanation, and my prosecutors did not think proper to present them in evidence, it was impossible for me to avail of testimony so highly important to me. The evidence both with respect to co-operation and the armistice, being withheld from me, it was impossible for me to know, how deeply General Dearborn was interested in the result of my trial.— It now seems, however, by General Dearborn's own statement to the Secretary of War, that he entered into the armistice, when at the same moment, Adjutant General Baynes had informed him, that Michillimackinack had fallen into the hands of the British, and consequently when he must have known that an additional force of the enemy, with the tribes of Indians from the north would thereby be spared to act against me. Being blindfolded and kept in ignorance of the deep designs of my prosecutors, I expressed what is well understood to be a general custom in similar cases—a generous confidence in a tribunal of MY PEERS as I had considered them, from the badges by which they were distinguished. Since that period, evidence has been furnished which unfolds circumstances connected with the campaign, and exhibits in colours, which never can be effaced, the causes of its disasters and misfortunes. Those expressions therefore, made under the state of things which then existed, young General Dearborn is at full liberty to grasp, among the many other shadows he so eagerly aims to seize.

It is our duty to respect all the public institutions of our country, and feel a liberal confidence in characters, elevated to the seats of justice—we ought to presume they are unspotted, and free from any undue bias and influence, until the contrary appears.

I will endeavour to illustrate these considerations, by examples in our civil courts which you see every day practised. What is more common, than for an advocate at the bar, to express his confidence in the justice and integrity of the court and jury, before which a cause is tried, either of a criminal or civil nature, involving life, reputation or property, to acknowledge there has been a patient trial, and to express his gratitude for the impartiality with which it has been conducted? But when sentence has been pronounced by the court, if it afterwards appears that the Chief Justice, or other judges, or the foreman or any of the jurors, had a deep interest in the cause, or had

been improperly tampered with, I ask, whether on an appeal from such a sentence, or on a new trial, before another tribunal, it was ever contended, that the sentence was just, and ought not to be reversed, because, forsooth, the advocate at the first trial made such acknowledgments and expressed such gratitude, as is above supposed. I will not insult your understandings, fellow citizens, by dwelling further on a point so clear and familiar to the most inexperienced among you, but will leave this with many other such *strong holds* of the young General, for you to make your own deductions

The prodigal use of epithets too disgusting for repetition, which adorn the pages of young General Dearborn, in defence of his father, carry with them their own antidote, and are entitled to no further notice from me; such language is the usual substitute, where a cause is deficient of argument or truth for its support; this defence of General Dearborn, with my appeal to your candour and impartiality, are now submitted by your fellow citizen,

WILLIAM HULL.

*Newton, August 30th, 1824.*

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## No. XXXVIII.

SINCE the publication of my reply to the attempt of the son of General Dearborn, to defend the conduct of his father, I have obtained some new evidence on the subject of the armistice, which I shall present for your consideration in this number. This evidence consists of the letters of Sir George Prevost to General Brock, a few days before the armistice took place, during its continuance, and after its operation ceased. It is contained in a pamphlet, entitled, "Some account of the Public Life of the late Lieutenant General Sir George Prevost, Bart. particularly of his services in Canada; London, published by Cadell, &c. 1823," and will be found in pages 37, 38, 39, 40, and 41. It is stated in the defence of General Dearborn, by his son, that "no troops, or military supplies, were sent to the relief of fort Malden, from any post below, during the temporary armistice, and that General Brock, did not even know-



that one had been agreed upon, until he returned to fort Erie, on the Niagara, after the capture of General Hull and his army, and that so far from neglecting the situation of General Hull, every precaution was taken by General Dearborn, to render the arrangement, not only not injurious, but advantageous to him." To prove that troops had been sent, from Niagara to Malden a few days before the armistice was agreed to, and while it was in operation, I have produced the letters of General Dearborn, to the Secretary of War and to General Van Rensselaer, who commanded on the Niagara river. By these letters, it appears, that General Dearborn had a perfect knowledge, that re-enforcements had marched against me, when he signed the armistice. Although on this point, I believe the evidence I have offered, is satisfactory to you, yet as this unauthorized measure was so essentially the cause of the disasters of my army, it is desirable to remove every doubt, if any exists in the mind of a single individual.

In page 37, of this pamphlet, it is stated, "that Sir George Prevost, upon the receipt of despatches from Mr. Foster, acquainting him, with the *proposed* repeal of the orders in council, by the British government, immediately opened a communication with Major General Dearborn, commanding the American forces, on the frontiers of Lower Canada, for the purpose of concluding an armistice, until the Congress should determine upon the proposals, transmitted to them by Mr. Foster. An armistice of about three weeks did accordingly take place." The advantages are then stated, which this armistice gave to Sir George Prevost; that a regiment had arrived from the West Indies; and after the armistice was concluded, and during the continuance of it, considerable re-enforcements of men and supplies, were forwarded to Upper Canada, where they arrived, before the *resuming of hostilities*, and materially contributed, towards defeating the attempts, which were made by the enemy to invade that province. It is then stated, that intelligence was sent to General Brock, which must have reached him at Amherstburg, (that is, Malden,) while he was at that place. It is then further stated, that "Sir George Prevost despatched a private letter, to General Brock of the 2d of August, 1812, six days before the proposed armistice was concluded, and upon the subject of it." In a letter, addressed to General Brock,

of the 30th of August, 1812, he quotes the opinion of his majesty's government, on the subject of the defensive system, in these words :

"The King's Government, having most unequivocally expressed to me, their desire to preserve peace with the United States, that they might uninterruptedly pursue, with the whole disposable force of the country, the great interests committed to them in Europe, I have endeavoured to be instrumental in the accomplishment of those views. *He then says in this same letter, "But I consider it most fortunate, to have been enabled to do so without interfering with your operations on the Detroit. I have sent you men, money, and stores of every kind."* Here are quoted the identical words of Sir George Prevost to General Brock, on the subject of the armistice. and the operations on the Detroit river. Thus fellow citizens, I have not only furnished you with the letters of General Dearborn, to the Secretary of War, and to General Van Rensselaer, that a few days before he agreed to the armistice, and during the continuance of it, that troops had been sent to Malden, from Niagara, but have now established the same facts, by the letters of Sir George Prevost, who commanded the British army in the Canadas—and have likewise established this most important fact, that as early as the 2d of August, six days before the armistice was concluded, that a private letter was sent to General Brock, by Sir George Prevost, giving him information on the subject of *the armistice*.—On the evidence before offered, in addition to this, I ask you to consider on what grounds young General Dearborn could have made the assertion contained in the defence of his father ?

The evidence, which I have presented in this and my former numbers, must exhibit, in the most decided manner, the effects which this measure had on my operations. It now becomes a very serious inquiry, what were the motives of General Dearborn's conduct ?

It cannot be presumed that he acted without motives. His own acknowledgement, that he had no authority to agree to a cessation of arms, is the best evidence which can be adduced, that he consented to a measure which his duty did not warrant, and for which he had no authority; a *measure* not founded in policy or expediency; because he says in his letter to the Se-

cretary of War, that he had no expectation his government would consent to it.

General Dearborn had formed the plan of the campaign, and well knew the time and manner in which the invasion of Upper Canada had been made by the troops under my command. He likewise knew the progress I had made in the execution of his own plan, and the manner in which the operations on the Detroit river had been approved by the President.—Having himself neglected to make preparations at Niagara, and being hard pressed by the President to order his troops to attack the enemy's posts, and co-operate with me; what does he say? I ask you to look at his letter of the 28th of July, to the Secretary of War, recited by the son in defence of his father? You will find, he appeared to be in a state of amazement, and the first sentence of it is, "*Who is to command the operations in Upper Canada?*" This was a critical crisis. By the positive commands he had received, he must have ordered the troops at Niagara to have invaded Upper Canada, and co-operated with my forces, or made some arrangement, for an excuse, for not obeying these positive commands. In this situation, to prevent the possibility of co-operating and affording me any assistance, what did he do? In a few days after he agreed to the armistice, in which he pledged himself, that the troops he commanded, should not make the invasion, and should not co-operate with my forces. Under these facts, the motives by which he was influenced, I do think must be too plain to be misunderstood; especially when considered in connection with his conduct as president of the court martial by which I was tried.

It must be satisfactory evidence, that his measures were regulated by what he believed to be his own private interest, whatever might be the sacrifice, regardless of the public good. By the arrangements he had made, and afterwards by the proceedings of the court martial, of which he was president, he believed that he had supported himself on my ruins; that by this measure, he had disqualified himself from rendering me any assistance and had left all the forces in Canada in a situation to march against me.

My object, you will perceive, is to furnish you with evidence which will remove all doubts from your minds, with respect to the motives of his conduct in relation to me; from the view I

have already taken of the subject I may now ask you, with propriety, whether he did not consider any means justifiable which would have a tendency to accomplish the end. Our actions are influenced by our dispositions; any other part of his conduct therefore, which will show the disposition of his heart, will not be considered as irrelevant to the present subject. His account of the battle of Bunker Hill was written and published in the year 1818. His object in writing and publishing this *account*, must be evident. His conduct during the war, in which he was nominally considered as the first General, had lowered him to a scale of degradation, which was mortifying to his own vanity and pride. The principal achievements which he performed during his command, were the armistice which occasioned the disasters of my army; his services as president of the court martial for my destruction; and his expedition against York, in Upper Canada, where he remained in his vessel on the lake beyond the range of cannon shot, whence he viewed the gallant and unfortunate General Pike, land his troops, ascend the bank, take possession of the town, and perish with many of his brave troops, by the explosion of a magazine of powder, prepared for the purpose. After this explosion he landed in safety, and obtained a scalp, which he preserved as a trophy of victory. For these exploits he was retained in service, with his rank and emoluments, until peace was established; but in the degraded situation of seeing junior Generals appointed to all the important commands. Not having performed a single act, while commanding General, which entitled him in your estimation to the station he had held, or to the least distinction in society; he remembered, that he was in the battle of Bunker Hill, and that you were disposed to give great credit to those who acted a part on that important and memorable occasion.

His account of the battle was forty-three years after the event took place, and essentially different from any other which before had been published. He says, that General Ward, the commander in chief of the American army, took no interest or part in the transactions of the day; and that General Putnam, who was the senior officer on Bunker Hill, behaved like a "coward," and was entitled to no credit for his conduct; that nothing saved him from trial and censure but his extraordinary popularity, and it was afterwards thought mysterious why Col-

onel Gerrish was made the "scape goat." The circumstances of this battle are an important part of your history, and it is desirable, indeed, that the facts relating to it should be handed down to posterity as they existed, in truth. It is evident that his object in publishing this account was to influence you to believe that General Putnam was a coward, and persuade you to give himself a great share in the glory. Hereafter this subject will be more fully considered.

I will now return to the considerations more immediately connected with the subject of the campaign of 1812.

The letters published in the volume, to which I have referred, from the British government to Sir George Prevost, and his letters to General Brock, distinctly show the views of that government, with respect to the war, which Congress had declared.

The instructions to the British commander in Canada were to act on the defensive.—In these instructions it was stated that the great interests in Europe, required all the strength and resources of the British nation. Under these circumstances, no measure would have been so favourable for the defence of Canada as delay; nothing could have operated so effectually to have produced delay, as an armistice. Its advantage to our enemy are forcibly pointed out in the volume to which I have referred.

Our situation was totally different—to us it was a favourable moment for active offensive operations. To both belligerents it could not have been favourable. The acknowledgment by the British commander that it was most advantageous to him, is certainly good evidence that it must have been injurious to us. His advantages were our losses.

It must be obvious that delay must be advantageous to an army whose object is defensive operations; and injurious to one acting on the contrary system. Had the armistice been *general*, considering the objects of the war, and the circumstances of the armies, it would have given advantages to the enemy, and been injurious to us.—Under the *partial* circumstances it was agreed to, (a part of our army not being included in it,) no measure could have been more fatal. The terms of it were such, as rendered all the British posts from Quebec to lake Erie perfectly safe, during its continuance. It is perfectly understood, that

the forces I commanded on the Detroit river had no participation in it; and it is now proved by the letters of Sir George Prevost, to General Brock, that there were no provisions contained in it, which prevented the British commander from sending troops, warlike stores, and supplies of every kind, to re-enforce and assist the army operating against me.

This fact is so important, fellow citizens, that I must ask you to permit me to repeat the evidence of it contained in Sir George Prevost's letter to General Brock. Speaking of his instructions, and of the defensive system, he says, "I have endeavoured to be instrumental in accomplishing the views of my government; *but I consider it most fortunate to have been enabled to do so, without interfering with your operations on the Detroit.—I have sent you, men, money, and stores of every kind.*"—Thus you have before you, the evidence, not only that Sir George Prevost considered himself authorized, notwithstanding the armistice, to send re-enforcements and supplies of every kind to General Brock, *but that he actually did send them to him at the time, and during its continuance.*

You likewise have before you, fellow citizens, the letter of General Dearborn to the Secretary of War, written a few days before he made the armistice; and his letter to General Van Rensselaer, during its continuance, giving information that troops had been sent from Niagara to re-enforce the garrison at Malden; and also the letter of Colonel Cass, to prove, that about the 10th of August four hundred regular troops had actually arrived at Malden as a re-enforcement. You likewise now have the additional proof of Sir George Prevost's letter to General Brock, that it was most fortunate that his defensive system had not interfered with his (General Brock's) operations at Detroit, and stating that he had sent him troops, money, and supplies of every kind, during the continuance of the armistice. On the other hand you have the naked round assertion of the son of General Dearborn, that no troops were sent at that time, as re-enforcements to that place. If the letters of his father and the British commander are to be believed, his assertion cannot be true. It might be some consolation if he could plead ignorance. That is impossible, because in the same paper in which he made the assertion that no troops were sent from Niagara to re-enforce the army at Malden, he published his father's

letters to the Secretary of War, and General Van Rensselaer, giving them the information, and advising General Van Rensselaer to be prepared to take advantage of the reduced situation of the enemy at Niagara, when the armistice should be over.

Thus he manifested his wishes by furnishing evidence which proved his assertions to be false ; and something still worse, by making an assertion, which by the evidence in his possession he knew was not true—it therefore must be considered as a wilful misrepresentation.

I make use of no epithets, or abusive language, to excite a prejudice against him ; I state facts, and produce the evidence of their truth ; I only ask you to make such inferences, as must naturally follow from the facts, and to give him such a character, and such a name as he deserves. No ! I will not even ask this ! Unfortunate man ! My only request is, that you would pity and forgive him !—"Honour your father" is the command of God. Obedience to this command, he says, has been the most painful act of his life. He must remember it was his own act, and however painful, it was caused by his own weakness and passions. It is hoped, it will be a useful lesson to him in future life, and teach him the importance of regulating his conduct, by reason and truth. Having asked your forgiveness for him, I freely offer him mine, because I believe he was so excited by passions that "he knew not what he did."

Had he come forward in an honourable manner, and attempted to have proved, by evidence and fair argument, that his father had no interest in the event of my trial, and that the proceedings against me were just, I should have met him only with the same weapons of evidence, and of argument. But since he has adopted a different course, and has grounded his defence on the proceedings of a court martial, over which his interested father presided, and on those proceedings alone, without any other evidence, has endeavoured to calumniate and continue your prejudices against me, I feel myself justified, and I have the pleasure to believe you will be of the opinion, that I am justified, in the few personal remarks, which I have here made.

From the proceedings of that court martial I have now appealed, to a fair, independent, and impartial tribunal.

My right to this appeal, is founded on the principles of our government. You are the fountain of all power, and the source

whence all authority flows. It follows of course, that your jurisdiction is above all tribunals which you have instituted. I well know the difficulty which attends an individual, in making his case known to so numerous a body. I have stated it in as plain, and simple a manner, as it was possible, that it might be understood by all. It has been published, with great disinterestedness in many, very many of our newspapers, and as far as my knowledge extends, has been read not only without prejudice, but with great candour, and a sincere desire to obtain the truth.

If from a want of evidence before the court martial, or from any other cause, you should now be satisfied that the proceedings against me, were unjust, your opinion will afford happiness to the few remaining days of my life, which no language can express. If, on the contrary, from the difficulty of spreading the truth before you, I should not be able, to convince you, that I acted faithfully, and that my conduct was influenced by a sense of duty, I shall still respect your opinion, and shall only have the same consolation, until my death, which has been my support since the events happened. *A consciousness of the purity of motives, and a belief, that my conduct, as circumstances were, was the most correct.*

I am, with the highest respect,

Your injured fellow citizen,

WILLIAM HULL.

Newton, October 12th, 1824.



## APPENDIX.

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A GENERAL SKETCH OF THE REVOLUTIONARY SERVICES OF THE  
AUTHOR OF THE FOREGOING MEMOIRS.

*Fellow Citizens,*

As many of you are strangers to the early efforts of my military life, and as attempts have been made in the latter part of it, to represent me as unworthy of your confidence, I cannot but hope, that a general outline of my history (as a soldier of the revolution) will be received with the same candour, that has marked your attention in the examination of the foregoing memoirs. No other consideration, but the injustice I have experienced, could have induced me to have presented it to you.

In the year 1775, at the age of twenty-two, I exchanged the profession of law, for that of arms. I enlisted a company of infantry, which became attached to a regiment in the State of Connecticut, commanded by Colonel Charles Webb. This regiment marched to Cambridge, soon after General Washington took command of the army at that place. In this station it remained, until March 1776, when the British army evacuated Boston. The principal part of the army immediately after this event, marched from Boston to New York. The above regiment was stationed on Long Island, until Sir William Howe landed, and after the operations on that Island, retreated with the other forces to New York.

It was likewise with General Washington's army, on its retreat from York Island, to the White Plains. The British General crossed the east river from Long Island, with the principal part of his army, and landed on Frog's Neck, from which place

he marched against General Washington.—The position the American army had taken was on the heights, a small distance back of the White Plains; and a division of this army was posted on Chatterdon's hill, about a mile in its front. Colonel Webb's regiment formed a part of this division. It was attacked by the whole force of the British army, and was obliged to give way, after sustaining an obstinate and severe conflict, and the enemy became possessed of this ground. In this action, I received a slight wound by a musket ball. The strength of the two armies was now formed within a mile of each other, and it was believed, that a general battle the next day was only prevented by a heavy storm of rain. In the night after this storm, Sir William Howe left Chatterdon's hill, and moved to York island, where he attacked and carried fort Washington, with the loss on our part of killed, wounded and prisoners, of about three thousand men.

After these events, General Washington crossed the Hudson, with a part of his army, to oppose the progress of the British army in New Jersey. His force however was inadequate to the object, and he was compelled to retreat to the banks of the Delaware, cross that river, and take a position in Pennsylvania.

In December, 1776, Colonel Webb's regiment, composed a part of the division of the army, which was ordered to march from the Hudson, through New Jersey, to re-enforce General Washington.—During the march, on the right flank of the enemy, General Lee, who commanded the division, was made prisoner.

A few days after the junction of this division with the main army, the enterprize against the enemy's post at Trenton, and his other stations on the right bank of the Delaware, was projected. This division thus united to the army, under General Washington, aided in the successful attack on Trenton, the night of the 25th of December, 1776, in which a complete victory was obtained. On the 1st day of January, 1777, the term of service, for which the army engaged, had expired. General Washington made an address to the men, in which he acknowledged their right, to return to their homes, and thanked them for the faithful services they had performed. He reminded them of the victory which had recently been obtained by their valour, and invited them to remain six weeks longer in service.

During this time he expected his army would be re-enforced, and expressed a hope to lead them to new victories. After reading and explaining this address to my company, which consisted of sixty men, every one engaged to remain the time, which was requested.

The last day of December, the strength of the British army marched against him at Trenton, and being greatly superiour to his army in numbers, on the night of the 1st of January, 1777, undiscovered by the enemy, and only separated by a small creek, he abandoned his camp, and marched to Princetown, where he obtained another victory no less important, than the one at Trenton.

At this time General Washington had received an authority from Congress, to re organize the army, and make promotions. I was a young Captain, and not entitled to promotion by regular succession. By a letter from him to General Heath, which has lately been published, it will appear that he gave me the appointment of a Major in the *Massachusetts' line*, in consequence of my conduct, in these two battles. After these events, the beginning of January, the army marched to Morristown, in New Jersey, for its winter quarters.

From this post, I was ordered, to join the regiment to which I was attached, then recruiting in Boston. As fast as the men were enlisted, they were ordered to Springfield on Connecticut river, and when about three hundred had rendezvoused at that place, I was directed to take the command of them, and march them to Tyconderoga, in the month of April, 1777. Michael Jackson, who was the Colonel of the regiment, and had been wounded in an attack on Montrasuer's Island, near New York, the year before, had not recovered of his wounds, and the late Governour Brooks who was the Lieutenant Colonel, remained in Boston, to superintend the recruiting of the residue of the regiment.

General St. Clair commanded at Ticonderoga on my arrival, the latter part of April.—My station, with the command of this regiment, was at the old French lines, which had been repaired the year before. After the arrival of General Burgoyne's army these lines were several times attacked, and the assailants as often repulsed. In the retreat of the army from this post, through the woods of Vermont, I continued to command the

regiment, and after a fatiguing march, a junction was formed with General Schuyler's army, on the Hudson, a little below fort Edward.

As General Burgoyne advanced from lake Champlain, General Schuyler retreated, and crossed to the west bank of the Hudson. The army in its retreat halted at Saratoga, and in the evening three hundred men, under my command, were posted two miles above, on the bank of the river, as a rear guard. In the night a large body of General Burgoyne's army, with the savages attached to it, crossed to the west bank of the river, made a circuitous march, and at day light in the morning appeared in the front, and on the left flank of the guard, my right being extended to the river. In this situation, the enemy commenced the attack, both in my front, and on the left flank, which was resisted, and the ground maintained, until perceiving they were greatly superiour to me in numbers, and were pressing around my left flank, and gaining my rear, I ordered a retreat, which was continued about a mile, under a heavy fire of regulars and savages. Observing an advantageous height of ground, the detachment was formed, and held their position, although hardly pressed, until a strong re-enforcement arrived, for my support; the whole body then advanced and compelled the assailants to retreat in *their* turn. In this rencounter, our loss was forty men and three officers, killed and wounded.—Although, in the first instance, I was obliged to retreat, yet I received the full approbation and thanks of General Schuyler, in public orders, for my conduct. At this time Lieutenant Colonel Brooks had arrived at Albany with the remainder of the regiment, and was marching up the Mohawk, with a detachment ordered for the relief of fort Stanwix, which was invested, by a detachment of the British army, and savages. I was ordered to join him with the part of the regiment I had commanded during the campaign, and the junction was made at the German Flats, which was then the extent of our settlements. The gallant defence of that fort, with the circumstances of the siege, and the manner in which it was relieved, are fully recorded in history. After the siege was raised and the besiegers compelled to retreat to Canada, the detachment returned, and joined the army on the Hudson, at the entrance of the Mohawk, into that river.

General Gates had now been appointed to the chief command in the northern department, and immediately ordered the army to advance on the enemy. He took a position, and formed his camp, on Bhenis' heights, about eight miles below Saratoga, where his fortifications were erected, with the right extending to the Hudson. General Burgoyne, crossed the river at fort Edward, and established his camp, and fortifications, above, leaving a space of about two miles, between the two armies.—The two memorable battles, which were fought on this ground by these two armies, on the 19th of September, and the 7th of October, previously to the surrender of General Burgoyne, are also described in the history of the revolutionary war. The action of the 19th of September, commenced between Colonel Morgan's riflemen and an advanced corps from the right of General Burgoyne's encampment, directed towards the left of General Gate's position. It was about one o'clock in the afternoon. A very short interval succeeded, when Morgan's corps was re-enforced by General Poor's brigade from New Hampshire, and at the same time, with a detachment of three hundred volunteers, from the Massachusetts' brigade, to which I belonged, and the command of which was assigned to me. The action was obstinate, and severe, and was only interrupted by the dusk of the evening. General Burgoyne claimed the victory, because his troops lay on the field of battle; our troops more desirous of comfort, than of etiquette, retired, in the dusk of the evening to their tents, to prepare for combat the next day, if called again into the field. By the return, it appeared, that one hundred and fifty of the three hundred under my command, were killed and wounded.

On the 7th of October, I likewise commanded another detachment from the brigade, of about three hundred men, which before the action commenced, was ordered to the left of our position, to observe the movements of the enemy, give information, and check any small parties, which might be advancing. It was discovered in the afternoon, that the strength of the British army was moving to occupy elevated ground on the left of our encampment.

Colonel Morgan's riflemen, with a corps of light infantry, under the command of Major Dearborn and the principal part of the left wing of the army, was ordered to attack them. When

these re-enforcements arrived on the ground where I was posted, I joined Colonel Weston's regiment with the detachment I commanded, and after a severe conflict, General Burgoyne was compelled to retreat to his lines, where he was followed, and the day was closed by storming his entrenchments, and entire possession was gained of the right of his position, and encampment. This victory, and the obstinate battle of the 19th of September, with our success at fort Stanwix, and Bennington, on his right and left wing, decided the fate of his army. After the surrender, the regiment to which I belonged, with other detachments from General Gates' was ordered to re enforce General Washington's army, then at White Marsh, between the Delaware and Schuylkill, in Pennsylvania,—after this junction the British army marched out of Philadelphia, reconnoitred, and viewed every part of General Washington's position. and it was fully expected a general battle would have been fought, between the two armies, on this occasion. Sir William Howe could have had no other motive in advancing from Philadelphia; and General Washington had taken a strong position, and there is no doubt, but it was his intention, to have defended it. He had now with him the strength of General Gates' successful army, and the army he had commanded during the campaign. The one would have been animated with a desire to have maintained the character it had acquired, and the other to have proved, that it had deserved equal success. The fields between the two armies, were suitable for military operations, and the strength of both was collected in compact bodies.

The British commander, declining the combat, probably prevented a more general battle than was fought during the war of the revolution. The British army would have been ambitious to have retrieved the misfortunes at the north, and the American army, now united under the standard of its beloved Washington, would have exerted all its energies to have added to the glory, which had been acquired at Saratoga.

After the retreat of the British army to Philadelphia, General Washington marched his army to the west bank of the Schuylkill, about twenty miles from Philadelphia, in the month of December, where huts were built for winter quarters, with materials taken immediately from the forest, and constructed by the troops, without any assistance from mechanics. Here, after

the toils of the campaign, the army suffered every distress, which the want of necessary food, comfortable clothing, and consequent disease could occasion. In this situation it remained, until the British army evacuated Philadelphia, and commenced its march through New Jersey to New York, by the way of Amboy. As soon as information was received of this movement, General Washington crossed the Schuylkill, and marched on the rear of the enemy. At Monmouth, the British army was overtaken, and a battle ensued, honourable to the American arms. In this battle, I commanded the 8th Massachusetts' regiment, Lieutenant Colonel Brooks acting on the staff as Adjutant General to the advanced corps, under the command of General Lee. After this battle, the army retired to the Hudson, and the following winter, was stationed at West Point, and in the high lands.

During the winter, the command of the troops, on the advanced lines of the army, near York Island, was assigned to me. The objects of the command were, to observe the movements of the enemy, check any small parties advancing into the country, and afford protection to the inhabitants of that part of the state of New York, and the west part of the state of Connecticut. The line of defence extended from the north river to the White Plains, and from thence to the east river or sound, a distance of about ten miles.

This position was about twenty-five miles from any other part of the American army, and not more than ten miles from the enemy, on York Island. My command consisted of about four hundred men, and the duty was so severe, that all the officers and men, were relieved every fortnight. I however remained, at the request of General Washington, from November until May; during this time, many attempts were made by the enemy to surprize my guards, but without success. All my rest and sleep were taken by day, and my nights were devoted to incessant duty. In this exposed situation, for five months, within three hours' march of the whole British army, no part of my troops was ever surprized, although many attempts were made for the purpose, and many successful enterprizes were made against the enemy's out-posts.

In May, 1779, when the British army advanced up the north river, to take possession of Stoney and Verplank's points, I was

ordered to retire from the lines, and join the army at West Point. This corps, composed of light infantry, was continued under my command, and was ordered to take a position on the highest ground, in the rear of the fortifications at that place and which overlooked all that had been constructed between it and the river. Here a new fort was erected, by this corps. General Wayne, at this time, commanded the light infantry of the army, and his station was on the west bank of the Hudson, about three miles below West Point, near fort Montgomery. The British commander having erected fortifications on both sides of the Hudson, about fourteen miles below West Point, at Stoney Point and Verplank's point, and, leaving about a thousand men at each of those posts, returned to New York with the main body of his army, and formed a predatory expedition against the towns in Connecticut, which bordered on the sea shore. His object undoubtedly was, to draw General Washington from his strong holds, on the Hudson, and before he could return for their defence, ascend the Hudson, and possess himself of West Point, and the positions in the high lands. Under these circumstances, it became necessary, for General Washington to adopt some measures, to check the desolation making on the sea-board.

Not thinking it safe to march his army from the Hudson, he projected an enterprize against Stoney and Verplank's Point. The execution of the one against Stoney Point was committed to General Wayne; I was ordered with the corps I commanded to leave the heights I had fortified, and join him at Sandy Beach, near fort Montgomery. Before we marched, two companies of light infantry, from North Carolina, under the command of Major Murphy, were ordered to join my corps, and being the senior officer, my command now consisted of seven companies. The whole body of light infantry, being thus organized under the command of General Wayne, consisting of less than two thousand men, commenced its march over the mountains, and halted the beginning of the evening, about a mile and an half from Stoney Point.

Here the orders were, for the first time, communicated.— At twelve o'clock at night, the attack was made, with unloaded arms, and with the bayonet alone. Some historians of the revolution have considered that the British garrison was surprised.



This is not the fact ; as we advanced, the centinels fired on us half a mile from the fort, and when we forced the barriers, and entered the fort, every British soldier was in full uniform, with his arms in his hands. History has pointed out all the transactions relating to this successful enterprize.

In consequence of letters from General Washington to General Heath, and from General Washington to the legislature of Massachusetts, after the enterprize against Stoney Point, I was promoted to the rank of Lieutenant Colonel ;—promotions at that period, being made by the legislatures of the states.

When the army retired to winter quarters, in 1779, the paper money, in which the officers and soldiers had been paid, had depreciated to such a degree, that justice and expediency required that some measures should be adopted for their relief. General Washington approved and consented to an arrangement, of sending commissioners, to the different states, to represent the case to the legislatures, and solicit relief.—To this duty I was appointed, by the officers of the Massachusetts' line, and this was my first absence from military duty, since I had joined the army in 1775.

In December, 1780, and January, 1781, mutinies had been excited in the Pennsylvania and Jersey lines of the army, from causes, which here it is unnecessary to mention, and it was feared the excitement would extend to the other parts of the army. General Washington was desirous of making some offensive operations against the enemy, to show to his country, and the British commander, that his whole army was not infected with this mutinous spirit. For this purpose he ordered a detachment to march against the mutineers into New Jersey, and another detachment to attack the enemy's post at Morrisania. The command of the latter detachment was assigned to me—Morrisania was so insulated, that General Washington considered that success was very doubtful ; but under the circumstances which existed, as appears in his letter on the subject to General Heath, he thought it expedient to make the attempt. The result, however, was favourable to the American arms, as complete success attended the enterprize.

In the summer of 1783, after preliminary articles of peace were settled, and a cessation of hostilities had taken place, the American army remained at West Point, and in the highlands

in its neighbourhood and a corps of light infantry was formed and stationed very near the British posts at Kingsbridge, the command of which was assigned to me. Here I remained until the British army was ready to evacuate New York. At that time General Washington with many of the principal officers of the army, attended likewise by the Governour, and a number of the civil officers of the State were escorted into the city by the corps I commanded; and commencing at Kingsbridge, as the British retired from their posts we advanced and took possession of them.

The day General Washington took his final farewell of his brother officers in New York, this corps which I had so long commanded, had the honour of escorting him to his barge, and paying him the last military salutation he received from that army, which had followed his standard through the trying scenes of the revolutionary struggle.

Under the circumstances, which have since taken place, and the attempts which have been made, to destroy my military character, I have considered it my duty, fellow citizens, to present to you, this general sketch of my revolutionary services.

In the enterprize against Morrissania, where I commanded, I refer you to the letter of General Washington to General Heath, which has been lately published, to show his opinion of the hazard, which attended it, and to his public orders to the army, expressing his thanks, for the judicious arrangements, which were made, and the intrepid manner, in which they were executed. Likewise to the resolution of Congress, with similar expressions of approbation.

For my conduct, in storming Stony Point, I refer you to the public orders of General Wayne, General Washington, and the resolution of Congress, in which my name will be found associated, with the officers, who distinguished themselves on that occasion.

On all other occasions where I was called into the field of danger, I can refer to the letters and orders of General Washington, and the other Generals, under whose immediate command I served, for their approbation.

I am in the possession of these testimonials, and many of them are on the records of our country. They will be preserved and left with my family, to be made use of hereafter, in such manner, as they may think proper. WILLIAM HULL.

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# TRIAL

OF . . .

## BRIGADIER GENERAL HULL.

ON Monday the 3d of January 1814, the Members de-  
tailed by the General orders of the 17th Nov. 1813, and by  
subsequent ones to constitute the Court for the trial of Brig.  
Gen. Hull (vid. Appendix) assemble at 10 o'clock A. M. at  
the Columbian Hotel, in Albany, where Brig. Gen. Hull  
attended, accompanied by an aid de camp. The names of  
the Members having been called over, the accused was ask-  
ed if he objected to any of them—he replied in the  
negative, made a short but impressive speech on the oc-  
casion, declaring his confidence in the honour of the Court,  
surrendered his sword and retired. The members were then  
sworn, in the order of their rank, and were as follows :

### Major General HENRY DEARBORN, President.

Brig. Gen. Joseph Bloomfield.	} Members.	Col. J. R. Fenwick, Artl.
Col. Peter Little, 38th Regt.		Robert Bogardus, 41st.
— Wm. N. Irvine 42d do.		Lieut. Col. Richard Dennis, 16th
Lieut. Col. James House, Artl.		— Samuel S. Conner, 15th
— Wm. Scott. 36th Regt.		— S. B. Davis, 32d
— Wm. Stewart, 38th do.		— John W. Livingston, 41st.

\* Lt. Col. J. G. FORBES, 42d Reg. Supernumerary.

Judge Advocate, (special) MARTIN VANBEUREN, Esq.

Army Judge Advocate, PHILIP S. PARKER, Esq.

The Court then determined to adjourn to Wednesday the  
5th Inst. to meet at the Senate-Room, in the Court-House,  
in the Capitol.

2nd day, Wednesday 5th, January, 1814.

The court met, pursuant to adjournment, at the Senate  
Chamber.—Col. Carberry, of the 38th Reg. one of the mem-  
bers summoned to attend, appeared ; but, as the Court had  
been organized previous to his arrival, was permitted to  
withdraw. Brig. Gen. Hull appeared ; and, as the court

\* This gentleman did not take his seat until the 6th day.

...ced for want of witnesses, (only four having made their appearance) again retired. After several propositions for adjournment, the court at length adjourned to meet at 10 o'clock A. M. on Wednesday, the 12th January at the same place.

*3rd day, Wednesday, 12th, January 1814.*

The Court met, pursuant to adjournment—General Hull appeared, and proposed that Robert Tillotson, Esq. should be admitted as his counsel; which was agreed to. The Judge Advocate acknowledged the receipt of further documents from the war department; but could not proceed in the trial, as not more than four witnesses had made their appearance. The Court adjourned to meet, at the same place, on Thursday, the 13th January.

*4th day, Thursday, 13th, January 1814.*

The Court met at the Senate Chamber, pursuant to adjournment. Only Seven witnesses having answered to their names, the court, after deliberation, resolved to write to the Secretary at war for permission to adjourn to such other place as the court might think proper, or the President might prescribe, as the proceedings were suspended for want of witnesses—Adjourned to Monday 17th January.

*5th day, Monday, 17th January 1814.*

The court met pursuant to adjournment—the charges against the prisoner were read; (vide Appendix) to which Gen. Hull pleaded—Not Guilty—in the usual form. It was then proposed that C. D. Colden, Esq. should be the additional advocate in behalf of the prisoner, which was granted by the court. The witnesses not having yet appeared in sufficient number to enable the Judge Advocate to proceed in the trial, the court adjourned, to meet in the Hall of the Supreme court, in the Capitol, at 10 o'clock, A. M. on Wednesday the 19th January.

6th day, Wednesday 19th January, 1861

The Court met pursuant to adjournment—All the members present.—General Hull delivered the following

## ADDRESS.

MR. PRESIDENT AND GENTLEMEN OF THE COURT.

THE court has been pleased to admit that I have a right to the assistance of counsel in my trial—But it seems to be questioned to what extent I may avail myself of that assistance—When the members of the court call to mind the nature of the charges which are made against me, they must perceive how deeply the determination of this question may affect me. Among other things, I am charged with treason. The constitution defines this crime to consist in levying war against the United States, adhering to their enemies, giving them aid and comfort. As often as there have been trials for treason under the constitution, the most eminent Lawyers, as well on the bench as at the bar, have differed in some opinions as to what should be considered as evidence of the facts which constitute this high crime.

The greatest talents of our country have been exerted and exhausted in debate on these subjects, and can it be supposed that I, who am ignorant of law as a science, who have no talents for argument, should be able to discuss before you the testimony which may be offered under this charge, in a manner that can do justice to myself, or be satisfactory to you.

But, Mr. President, the decision of this honourable court on my present application is not only highly interesting to me; but, as it involves an important constitutional question, I can not but think it deeply concerns every member of the community—The proceedings of this tribunal will be remembered as long as there is in existence any history of our country. The rank and character of the honourable members of this court will give a weight and sanction to whatever they may determine; which will be a precedent that will hereafter have the force of authority. On this ground, as well as in regard to my own case, I am anxious that the important point now before you should be deliberately and rightly determined.

of the court, my counsel were called upon. They supposed their request to assist me expected in answering this question, which it was not expected would at that time occur, and speaking from the impression of the moment as to what were the rules on this subject to be found in the English writers on martial law, and from what they believed to have been the practice in similar cases, my counsel answered that they claimed the right to cross examine the witnesses for the prosecution, to examine my witnesses, and to speak upon any questions of law which may arise in the course of the trial.

But, sir, my counsel upon consideration are convinced, and they have satisfied me, that their claim was too limited; and I now with all possible respect, but with the utmost confidence in the legality and justice of my claim, demand that my counsel may be permitted to speak for me on all occasions, either in the progress of the cause or in its conclusion.

I am not about to deny the respect which is due to the English writers which may be appealed to upon this occasion. I admit that we may learn from an enemy. But I rest the claim I now make upon much higher authority than these writers. I appeal to the constitution of our country; and I invoke the spirit of reason, justice, and liberty, which has cast off from us those chains which were rivetted upon the inhabitants of the old world in times of the utmost barbarism, and by which the writers on the English criminal law, whether civil or military, yet feel themselves bound. Before I explain the grounds upon which I now make a claim, which I have acknowledged is beyond what the rules established by those writers could admit, I beg leave to ask the attention of the court, while I examine as well the foundation on which these rules rest, as their extent. For upon this latter point it appeared to me, from what passed at the last session of the court, that there was some difference of opinion among the members. Some gentlemen seemed to suppose that my counsel would only have a right to examine the witnesses, others that they would have a right also to debate any collateral questions which might arise. My object at present is to show that even by the practice of English

courts martial, and the rules adopted by English writers, counsel have a right to speak on every question but the final one, whether the accused be guilty or not.

I have said we have none but English authorities on this subject, and this is certainly true ; although a treatise on martial law has been published in this country under a highly respectable name, yet it will be found that the work is a mere compilation from foreign writers, and that the author has adopted not only their ideas, but, in most instances, their very words, without having for a moment reflected how far the rules they established were consistent with the rights of personal security, guaranteed to us by the constitution and laws of our country ; and which, in our estimation, render our condition so far superior to that of others of our race.

I shall therefore confine myself to the examination of the English authorities, because, when I have examined these, I shall have examined all that has been said by our own writers on the subject.

I must regret, Mr. President, that the researches of my counsel upon this subject have necessarily been so confined. In the situation in which we are placed, we could only have recourse to a few books.

M'Arthur in his treatise on courts martial vol. 2, page 42, says, "It is likewise the practice at courts martial to indulge the prisoner with counsel, or at least amici curiæ (or friends of the court) to sit near him, and instruct him what questions to ask the witness with respect to matters of fact before the court ; and they may commit to paper the necessary interrogations which the prisoner may give in separate slips to the Judge advocate, who reads them to the court, and if approved, (that is, proper to be put,) he inserts them literally in the minutes."

Tytler, states that it has been the established usage that the accused are not to be allowed to interfere in the proceedings of a court martial by pleading or argument of any kind.

No question, these authorities would confine the office of counsel to very narrow limits ; and indeed if these are the



used, it would not be absurd to deny the assistance of counsel altogether; for, most certainly, any interference to this extent would only embarrass and do no possible good.

But the first of these authors appeals to their own civil courts to warrant this practice. And they may well consent to do so, because by the laws of England a person accused of any capital crime is not entitled to be heard by counsel; yet in these cases, says Blackstone, (4 commentaries 355) "The Judges never scruple to allow a prisoner counsel to instruct him what questions to ask, or even to ask questions for him, with respect to matters of fact. For as to matters of law, says the learned and humane author, arising, in the trial, the prisoner is *entitled* to the assistance of counsel." "Not only upon the trials of issues which do not depend on the question of guilty or not guilty, (says Judge Foster, one of the most learned Judges that ever graced the English bench,) but upon collateral facts, prisoners under a capital charge whether for treason or felony, always were entitled to the full assistance of counsel." But if the practice of the English civil laws are to be a rule in this subject, why should only a part, and the most rigorous part of their rules be adopted? why not permit, counsel not only to examine witnesses, but speak upon law points as they may do in the English criminal courts. I can not, however, Mr. President, admit that the practice of either the civil or military courts of a Government, so different from ours in every thing which is a security for the rights of persons and of civil liberty, are to be a rule for your government.

Every commentator who has written on this subject has blushed for the absurdity and barbarity of the reasons on which this exclusion is founded. Speaking of this rule, Blackstone says "It is a rule, which, however it may be palliated, seems not of a piece with the rest of the humane treatment of prisoners by the English law. For, upon what face of reason can that assistance be denied to save the life of a man, which is allowed him in every petty trespass?"—Christian in his notes in Blackstone says, "It is very extraordinary the assistance of counsel should be denied when it is wanted

most—that is when it is wanted to 'defend the honour and all the property of an individual.'—The eulogies of judge Blackstone on this inhuman rule of the English law, have been quoted by M'Arthur himself, and are given as an introduction to the rule which he adopts. But, indeed, as if ashamed of the rule, and as if even the practice of the English courts would not be sufficient to sanction it, he refers us to the practice of the Egyptians, and cites them as an authority for the rule; and I think sir, he may well have done so; for probably there was less despotism and barbarism in Egypt than there was in England, in those times when this rule was adopted, and when a prosecution by the crown was in effect a sentence of death, and when the object was to guard against every interposition between the accused and the sword of the King.

Are we then, Mr. President, in this country to be governed by rules which are derived from such a source, and have originated in such motives? Shall we adopt rules at which the sense, reason and humanity, of all mankind, since the civilization of the world, have revolted? I ask these questions with a confidence that the members of this honourable court when they have considered them—(and I pray that they will take time to consider them)—will answer them in the negative.

But, Mr. President, I make a higher appeal upon this occasion than to English writers or English practice: I appeal to the constitution of our country; and if you do not find my claim sanctioned by the letter of that instrument, I am sure you will by its spirit, which I know must govern the deliberations and decisions of this honourable court.—By the amendments to the Constitution it is provided that in all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defence. I know well, Sir, that if this provision be taken in connection with the context, and the instrument be construed according to the technical rules of law, it will be considered as applying only to civil prosecutions—But, upon this occasion, and in this honourable court, I look for a disposition that shall trample upon professional quibblings. For, by minds that are able to

the influence of the rays of truth and they may be obscured by words and forms, it was provided that the accused should have the benefit of counsel, how can it be supposed that it was intended to confine this provision to accusations before a civil court. Is there any reason that can apply to the admission of counsel before a civil tribunal, that does not apply to a military court? It is not to be supposed that the judges of a civil court are less learned, less honourable, or less humane, than those of any other tribunal. It is as much their duty to be counsel for the prisoner, as it is the duty of the Judge advocate or of the members of this court to discharge that charitable office. Can it then have been the intention of the constitution that counsel should be admitted in the one case and not in the other? In the passage before quoted, Judge Blackstone says, "upon what face of reason can that assistance be denied to save the life of man, which yet is allowed him for every petty trespass?" May I not ask upon what face of reason can that assistance be denied to save the life of man before a military court, which yet is allowed him before every other tribunal?

Let me once more beg to turn the attention of the court to the English writers, from whom the rule now under consideration is derived. I think an inconsistency of their reasoning will be most manifest. Mr. Tytler in his treatise, page 221, in advocating the propriety of allowing counsel to suggest interrogatories to the witnesses, says, "This benefit the court will never refuse to the prisoner; because in those unhappy circumstances, the party may either want ability to do justice to his own cause, or may be deserted by that presence of mind which may be necessary to command or bring into use such abilities as he may actually possess." I feel, Mr. President, in its full force the justice of this reasoning. I feel that I may want ability to do justice to my own cause, and with the sensations which the accusations now before you excite, it may be that I shall be deserted by that presence of mind which might command or bring into use what abilities I have. But, why does not this just, sound, and humane reasoning apply to every stage of the prosecution as well as to the examination

of witnesses? Does it require less abilities or less presence of mind to argue the questions which may be presented to you: to discuss for instance, what may or may not be treason under the constitution and laws of the United States; and finally to arrange and sum up the mass of testimony, which, from the number of the witnesses who have been called, it may be presumed will be offered to you, than it does to put questions to the witnesses.

Another reason assigned, why the accused before a court martial should not have the full benefit of professional aid, is that the Judge advocate is supposed to be of counsel for the prisoner. The judges of the American law courts are equally bound to counsel those who are accused before them. And yet the aid of counsel before the civil courts has been thought a right worthy to be secured by the great charter of our liberties. But, sir, our military code has defined how far the judge advocate is to consider himself as the counsel for the accused. By the 59th article of war it is provided that the judge advocate "shall so far consider himself as counsel for the prisoner, after the prisoner shall have made his plea, as to object to any leading question, to any of the witnesses, or to any question to the prisoner, the answer to which might tend to criminate himself." If this be the extent of the duty of the judge advocate in respect to the prisoner, let me entreat you, Mr. President, and the honourable members of this court to consider, how far the assistance which I have a right to claim from the judge advocate must fall short of that aid which I may require on this occasion.

I shall trouble the court with the consideration of only one other reason, which has been urged for not permitting before courts martial the full aid of counsel. It is said by Mr. Tytler, page 91, that this "aid is not requisite before these courts, because they are in general composed of men of ability, and discretion." Certainly, sir, this reason applies with its fullest force upon this occasion. Is it not also to be supposed, that generally the judges of the civil courts are likewise men of ability and discretion? and if this reason will apply to exclude counsel in the one case, why does it not in the other. In fact, Mr. President, the military courts of England

rule, as they have most of their other rules for directing prosecutions, from the practice of their civil courts. But the constitution having in this respect changed the practice of our civil courts, is it not reasonable and just that our military tribunals should conform their practice to the practice of our civil courts? But, sir, whatever reasons may be urged to exclude professional aid on the part of the prisoner, let me ask with great respect, why they will not equally apply on the part of the prosecution—and yet it is most evident that the officers of the Government, who have instituted this prosecution, have not felt the force of those reasons: If they had, they would have left the prosecution to be conducted by the military prosecutor—and yet, sir, you see, to the charges which have been drawn up against me, the name of one of the most eminent counsel in the United States: and I find enlisted against me, in aid of the military Judge advocate, a professional Gentleman of this State not less distinguished for his talents. If technical learning is to be excluded upon these occasions, how does it happen, Mr. President, that the charges now before you are obscured by such an abundant verbiage, and distorted to so many different forms, that it is almost impossible for any but a professional man to understand them?—I hope sir, that there are no courts in our Country whether civil or military, however otherwise it may be in England, where there is one rule of justice for the prosecution, and a different one for the accused—as to the practice in this Country I can say but little. I will only add, that one of my counsel informs me that he has been engaged as counsel for the prisoner before two naval courts martial; and that, in both instances, he was allowed to interrogate the witnesses and to argue all questions which arose, as fully as he might have done in a civil court. He did not ask to be permitted to sum up the evidence, because he acquiesced in the authority of the English writers; but which he now believes, for the reasons I have assigned, ought not to govern in this country.

Mr. President, my life, my character, every thing that is dear to me in this world is at stake. I have not ability to manage my own cause. Reason, justice, humanity, the con-

stitution and the laws of my country, give me a right to professional aid in its fullest extent ; and I pray to be permitted by the court to avail myself of it.

I beg leave, Mr. President, to add a few words before I leave this interesting question to the consideration of the court. Though sir, a sense of my own inability for an occasion of this kind, makes me earnestly solicitous to be permitted to avail myself of the full aid of counsel ; yet I cannot conceive that the nature of the testimony will be such as to make me desire the interposition of my counsel ; and I have every reason to expect from all I have observed, the utmost liberality and candour from the judge advocate : The court may be assured that it is neither my intention, nor the intention of my counsel to occupy the time of the court by the discussion of legal subtilties, or to make technical objections, I promise the court that I shall not, if it should be in my power make any objections to matters of form of any kind, nor shall I suffer my counsel to make them. I stand upon my innocence, and all I wish is a fair opportunity to prove it. I have already suffered too much in my feelings, and in my character by the delays which have taken place, to wish to postpone for a moment the final decision of my case.

Permit me, Mr. President, to avail myself of this opportunity to make a suggestion which is not connected with the subject of the foregoing address, but which is hardly less interesting to me. I am ready for my trial---I am anxious that it should proceed. But, sir, if the trial were to commence, and if the court after having examined in public some of the witnesses for the prosecution, should then adjourn for any length of time, the court will perceive that it would be the utmost hardship upon me. The testimony here openly given against me would be abroad, and would make its impression on the public mind ; while the examination of exculpatory testimony would be deferred to a distant day.—I have already too severely felt the effects of public prejudices, and exparte relations, not to wish that no further opportunity may be given for them.—I hope, therefore, that it will be understood by the court, when the Judge advocate commences the trial, that

he is ~~now~~ to proceed with it, and that the progress of the cause is not to depend on the arrival of witnesses who may be absent.

The court agreed to deliberate upon the subject of this address, and evinced a disposition to indulge the prisoner as far as their duty to the public would admit. The court was accordingly cleared, when the address of Gen. Hull was read and considered. Upon its being again opened, the opinion of the court was—"that the communications by the prisoner's counsel should be made in writing through the accused."

Lt. Col. Forbes took the necessary oaths, and was admitted to a seat; after which the court adjourned to Wednesday, 26th Jan.

*Seventh day, Wednesday 26th, Jan. 1814.*

The court met pursuant to adjournment, all the members being present. The special Judge advocate (the Hon. Martin Vanbeuren) addressed the court on opening the case, and read the following

## DOCUMENTS.

The order of arrest, by Adjutant General Cushing against Brig. Gen. Hull.

The discharge from parole of Brig. Gen. Hull by Col. Barclay, British agent for prisoners.

Letters from the Inspector General A. Y. Nicoll, Nos. 1, 2, 3, from the war department, detailing the officers to compose the court martial for the trial of the accused.

A letter from Brig. Gen. Hull to the Secretary of war, dated 3rd April, 1809.

A letter from the same to the same, dated 25th March, 1812.

Two letters from the Secretary of war to Gen. Hull, both of April 9th, 1812.

Two letters from the same to the same, dated 23rd and 29th May, 1812.

A letter from the same to the same, dated 16th June, 1812.

Two letters from the same to the same. Dated 18th June, 1812.

A letter from the same to the same. Dated 24th June, 1812.

Two letters from the same to the same. Dated 2nd and 26th July, 1812.

Three letters from the same to the same. Dated 19th and 19th July and 11th August, the receipt of which was not acknowledged by Gen. Hull.

Contract for provisions. Dated 8th August, 1812.

A letter from Brig. General Hull to the secretary of war. Dated 17th April, 1812.

Two letters from the same to the same. Dated Pittsburg, 26th and 28th April, 1812.

A letter from the same to the same. Dated Marietta, 3rd May.

Three letters from the same to the same. Dated Cincinnati, 8th, 13th and 17th May, 1812.

A letter from the same to the same. Dated Dayton, 23rd May, 1812.

A letter from the same to the same. Dated Camp Meigs, 26th May, 1812.

The speech of Gov. Meigs to the army of Ohio. Dated 25th May, 1812.

A letter from Brig. Gen. Hull to the Secretary of war. Dated Dayton, 23rd May, 1812.

A letter from the same to the same, dated, Staunton, 3rd June, 1812.

Four letters from the same to the same. Dated, Urbana, 9th, 11th, 12th, and 13th June, 1812.

A letter from Lieut. Col. Miller to the Secretary of war. Dated, Urbana, 12th June, 1812.

A letter from Brig. Gen. Hull to the Secretary of war. Dated, Urbana, 17th June, 1812.

A letter from the same to the same. Dated Camp Necessity, 24th June, 1812.

A letter from the same to the same. Dated Fort Finlay, 26th June, 1812.

Return of the force of the army on 26th June, 1812.



A letter from B. Gen. Hull to the Secretary of war. Dated, 24th June, 1812.

Two letters from the same to the same. Dated, Detroit, 7th and 9th July, 1812, (the latter not read.)

A letter from the same to the same. Dated, Sandwich, Upper Canada, 13th July, 1812.

A proclamation by Brig. General Hull, dated 12th July, 1812. Published 20th July.

Four letters from Brig. Gen. Hull, to the Secretary of war. Dated Sandwich, 9th, 10th, 14th, and 19th July, 1812.

A letter from Col. Cass to B. Gen. Hull. Dated 17th July 1812.

Eight letters from B. Gen. Hull to the Secretary of war. Dated Sandwich, 20th, 21st, 22nd, 28th and 29th July, and 4th, 7th August, 1812.

A letter from the same to the same. Dated, Detroit, 8th August, 1812.

Articles of capitulation. Dated, Detroit, 16th August, 1812. and supplementary articles of the same date.

A letter from B. Gen. Hull, to the officer commanding at the Rapids. Dated 17th August, 1812.

A letter from Major Gen. Brock to Brig. Gen. Hull. Dated 15th August, 1812.

A letter from Brig. Gen. Hull to Major Gen. Brock. Same date, in reply.

A letter from Brig. Gen. Hull to the Secretary of war. Dated, Detroit, 13th August, 1812.

Two letters from Brig. Gen. Hull to the same. Dated Montreal, 8, and 26th Sept. 1812.

After which the court adjourned to the next day.

*Eighth day, Thursday 27th Jan. 1814.*

The court met pursuant to adjournment ; when, finding that many of the witnesses appeared, it determined to proceed : upon which the Judge advocate called upon Brig. Gen. Lewis Cass ; who, being duly sworn, was proceeding with his narrative, when a member of the court suggested the propriety of all other persons present, who had been sum-

moned as witnesses, being directed to retire during the examination: No objections to their presence, however, were made on the part of the prisoner, and they were permitted to remain. General Cass proceeded in his evidence, and stated, that he was with the north-western army at Dayton, and had command of the 3d. Regt. of Ohio militia.—that the army was joined at Urbana, by the 4th. Regt. of U. S. Infantry, under Colonel Miller,—that he (witness) arrived at the Miami, on the 29th or 30th June. That he never saw Gen. Hull disciplining, reviewing, or manœuvring the troops in any way from their arrival at Detroit to the time of surrender. That orders were issued; but that he does not know whether there was an orderly book or not. That he was at the rapids when General Hull hired a boat about the 1st July; that he does not know that General Hull had a knowledge of the war having been declared; and that he had not had any conversation with General Hull previous to that time, which could induce General Hull to believe that war was declared—that he does not know what papers were in the boat—that about 40 or 50 men, invalids, his (witnesses) own servant, and part of his baggage were in it. That he did not examine the fort at Detroit very accurately, but thinks that some of the embrasures were defective and wanted repair, and that the platforms were in some measure defective. That he does not recollect the guns and gun carriages. That the picketing was in remarkably good order, and as good as he ever saw; and that he never saw any repairs made either before or after the army went into Canada. That the troops passed over into Canada on the 12th or 16th of July (he could not be precise in the time) and consisted of nearly the whole of the force, excepting invalids and about 100 men of the drafted militia of Ohio—that they landed in good order (at Amherstburgh) at about eighteen miles distance; and that the main body of the army left Canada about the 8th August; about 150 or 200 men remaining in their original position for two or three days, in a stockade built on the banks of the river; and which was afterwards destroyed. That there were about 250 or 300 British regulars at Amherstburgh, according to the estimate given to Gen. Hull by the deserters, who came over in hundreds.—General Cass further

stated—That when the army landed in Canada, the militia force there was estimated to be very considerable ; but that before the army left that side of the river, this force was supposed to have been very much reduced ; probably, and according to the conversation in the American Camp, to one hundred.—Gen. Cass believed that from the day of the arrival of the American army in Canada, the militia men, who were called into the service at Malden, came over to the American Camp, took protection from Gen. Hull, and, within the last fortnight of the army's stay there, the greater part of them left the camp for their own homes, as Gen. Cass supposed.

Brig. Gen. Cass further stated, that when the army first went over, but few Indians had joined the British, and that most of those on our side the lake appeared friendly---that few apprehensions were expressed by Gen. Hull, until the fall of Michilamaeanac—that Teesumah was at Malden when the army arrived at Detroit, as was also Marplock, with a band of the Pottowatomies, but not a numerous one. The witness could not state precisely any conversation of Gen. Hull as to the force of Indians at Malden, or their designs---he supposed the fall of Michilamaekanae was known to the American army about the 25th, or from that to the end of July ; he could not say whether the fall of that place encouraged the Indians to join the British, or not : but that no Indians, to his knowledge or belief, from thence, arrived at either Malden or Detroit (certainly not at Detroit) until three days after the surrender---he stated however, that about the time of the fall of Michilamaeinae the Wyanots were either enticed or taken over by the British into their province.

A Map by the English was here presented and admitted to be good, with some few unimportant inaccuracies---viz. The American army did not land at the place described in the map, but below Hog-Island. No redoubt was thrown up in the encampment as described in the map. From Sandwich to the river Aux Canards lies an open country, cultivated for many years, for a distance of about 12 miles, along or near the river---The river Aux Canards is a small stream, but deep--about three rods over, perhaps not so much,

and has a bridge : there is an open prairie ground from the Camp towards Malden, for the space of about 1 1-2 miles, near which the ground is bad for marching troops,---the whole distance from Sandwich to Malden is quite level.

A sketch of the military post at Amherstburgh was next produced, and admitted to be correct, and as having been taken from Gen. Proctors' trunk---Gen. Cass then stated that he had examined those works since the British left them---that, as to the fort, it is only an outline---that from present appearances the north and the west sides could never have been defended---that the east and west sides appeared to have been rendered defensible a few weeks before the arrival of the American army in Canada---that the whole work, as well curtains as bastions, appeared to have been originally designed to be constructed of earth---that on the north side there was a small curtain of earth thrown up, with a narrow and shallow ditch ; but that the east side is now become a very good curtain of earth, secured by logs---that the works of earth are fresh, and appear to have been made a few months previous to Gen. Harrison's landing there---that the west side could never have been very difficult of approach---and that the whole of the works could be commanded from ground about a quarter of a mile up the river, as a person walking in the fort may be seen from that place.

Gen. Cass, in continuing his evidence, stated that he had examined (but not minutely) the fort, before General Hull crossed, and was of opinion that the works were not defensible, which opinion he declared to Gen. Hull, in a conversation with that officer---also, that he knew Gen. Hull to have been at Malden, oftener than once. Witness declared that, on the morning on which the army crossed the Detroit, it was his wish, and, he believes, the wish of most of the officers, to proceed directly and take a position near the river Aux Canards: that the reasons assigned for halting at Detroit were to give an opportunity to the Canadian militia to desert, and to take some heavy cannon---he further stated that, a day or two after crossing the river, Colonel M'Arthur was sent with a considerable portion of his Reg. about 60 miles up the river French, to secure a quantity of flour and some public

property---that during his absence Gen. Cass requested permission of Gen. Hull to reconnoitre the ground between Sandwich and Malden---that he was granted about 280 men under Col. Miller, and proceeded for that purpose---that the detachment took possession of the Bridge Aux Canards, and that the British picquet guard fled on their approach---that the witness and Col. Miller considered this bridge as presenting the only point of approach to Malden, and in consequence sent two messages to G. Hull (the latter one a joint note) stating that it was the opinion of the officers that the bridge ought to be maintained---that, in answer to the verbal message, a peremptory order was sent to return---to the written one, a note was returned, that on account of the distance from the Camp, and the necessity of procuring cannon, as well as on account of uneasiness concerning Col. M'Arthur, in his opinion the bridge ought not to be kept; and finally referring to them the discretion of keeping it---that, after part of the 4th Reg. joined them from the Camp, a consultation of officers was held, when it was determined to abandon the bridge, under an impression, by an almost unanimous opinion, that Gen. Hull should have taken the responsibility and not they---the detachment returned to Camp, as did also Col. M'Arthur---that several detachments were afterwards moved to the same place, the object of which the witness did not then recollect. One detachment under the command of the witness to reinforce Gen. M'Arthur, upon a report which proved to be false---another, under Col. Findlay, was also sent and returned---another, under major Denny, the object of which was not known to the witness, was attacked and driven in---another to the river Raisin, under Major Vanhorne, to convey some provisions Capt. Brush was bringing from Ohio; which detachment, consisting of about 200 riflemen, of the Ohio volunteers, was attacked and defeated. Witness stated that the insufficiency of the detachment was represented to Gen. Hull in the most earnest manner by himself Col. M'Arthur and Col. Findlay---for reasons given in a long convention, Gen. Hull considered it as competent---while the colonels declared their conviction that it would be defeated--Gen. Cass further stated,

that the report made by him in a letter to Gen. Hull, under date of the 17th July, is a correct statement of the transactions of the detachment under his command, and that of Col. Miller. There were no other operations by that detachment : also, that Col. Miller moved to Brownstown, but whether before or after the evacuation of Canada, he does not remember. That soon after the army had crossed into Canada, a council was called of officers commanding corps, and all the field-officers ; when the question put to the council was " Whether Malden should be attacked ? " that Gen. Hull stated, that in two days carriages for heavy guns would be ready and cannon mounted---The council, witness believed, was unanimous for an immediate attack upon Malden ; and nearly a moiety of the officers was for proceeding without waiting for cannon---a small majority was for waiting two days, if cannon could be obtained by so doing---the cannon were mounted after waiting about that time---that Gen. Hull told the witness that he considered himself pledged to lead the army to Malden, and that the Officers and men, with scarcely a single exception, were ardent to go against that place---Witness thinks, that the day Gen. Hull ordered the army to re-cross the river was the one which had been fixed for the attack of Malden ; and says that there was an universal spirit of dissatisfaction, and a feeling of indignation through the army on the promulgation of that order. The court adjourned to the next day.

*9th, day, Friday 28th January, 1814.*

The court having met, pursuant to adjournment, the examination of B. General Cass was continued : That officer stated, that an order for the march of the troops to Malden had been issued, which he did not yesterday remember ; that on conversing since with some gentlemen, he has since recollected that there were other detachments, besides those mentioned by him yesterday, sent from Sandwich ; one of which, under Capt. Snelling, was to the river Aux Canards ; but for what purpose it was sent, or of what number it consisted he does not recollect : another detachment was under a Mr. For-  
 syth, to Bellevue, the property of Lord L. but whether this was

part of the detachment under Col. M'Arthur or not, witness does not recollect : it brought down a considerable number of sheep, to the amount of several hundreds, which were taken care of at Detroit and its environs, when surrendered : witness further stated that there were several councils of war held before the army evacuated Canada, besides the one detailed yesterday : one at which two officers of artillery were present : when the question arose "*how heavy guns were to be got down the river to Malden?*" those two officers thought it would be a difficult matter to effect, as there was a bridge over Turkey Creek, 3 miles north of the river Aux Canards, over which they thought the guns could not be taken ; those guns were on board of floating batteries ; they were therefore of opinion that they should be carried down the river, on those floating batteries, to the northward of that creek : witness does not recollect whether, at the time the council was held, the guns were on board the floating batteries : another objection, made by those two gentlemen to the river Aux Canards, was, that the Queen Charlotte might prevent the passage of the guns. Gen. Cass then stated that the two artillery officers differed from all the Infantry officers as to the transportation of the guns down the creek and river : the former thought there were difficulties which the latter thought might be surmounted ; this council was after that mentioned yesterday, but before the order was issued for the troops to march to Malden—several other meetings of officers were called by Gen. Hull.

Gen. Cass next stated, that the troops commenced their retreat from Canada on the 8th August, a little after dark, and were crossing all night ; and that the order for so doing was issued about the evening of the same day---and that he is the more confident in this opinion from the sensations it created in the camp. He says that the militia force of the enemy was daily decreasing ; while no addition, that he knew of, was made to their force, excepting that of the Wyandots, who live opposite to Malden and on the American side---he does not recollect any previous conversation of Gen. Hull's on the expediency of the evacuation of Canada.

The witness, proceeding in his evidence, said, that the British commenced the erection of two batteries nearly opposite to Detroit, on or about the 10th August, and that no measures were taken to prevent the erection of those batteries before he left Detroit---that those works were carried on by the enemy in open sight of the American army---that the river is about 1100 yards across, and the ground about the same height on both sides---that he is not prepared to say whether or not application was made to Gen. Hull to fire upon the enemy---that he did hear Gen. Hull state, before the evacuation of Canada, that the amount of musket cartridges and of fixed ammunition was large, but does not recollect what that amount was---that the want of ammunition was never stated in any of the different councils as an objection to military operations---and that he understood that Gen. Hull had ordered a quantity of ammunition to be brought. That the situation of the army with respect to provisions was a subject of very frequent conversation between Gen. Hull and the officers---that he never knew or understood that the army was in want, or likely to want. That there was a large quantity of meat in the country surrounding Detroit, on the American side, sufficient to last the army for several months---that he understood from Gen. Hull that, exclusive of a quantity of flour, a large quantity of wheat was to be purchased and ground on the spot; there being two horse-mills and one wind-mill about 8 miles from Detroit, besides water-mills---but he cannot say whether those mills were in operation---that his impression was, that there was a very considerable number of cattle at the river Raisin, but not the same proportion of flour---that is, of provisions sent thither by the State of Ohio---that his opinion, founded upon the opinion of the inhabitants and upon experience, was, that provisions might have been procured there sufficient for the support of the army for 3 or 4 months---that Gen. Hull had lived in that quarter for several years before---and that the resources of the country were a subject of general conversation, as well as of conversations with Gen. Hull.

Gen. Cass then said that he left Detroit on the 14th August in the evening, with a detachment of about 350 men



under Col. M'Arthur, sent by General Hull to open a communication with the river Raisin—this detachment was equally from the regiments commanded by Col. M'Arthur and the witness—that Gen. Hull had received a letter, on the morning of the 14th, from Capt. Brush, advising him that he would, on a certain night, leave the river Raisin by a path which doubled the distance to Detroit, but which was deemed more secure than the shorter one—that this detachment was not furnished with provisions when marched off—they were to march 24 or 30 miles—he believes there was an allowance for provisions—that, after marching till about midnight, the troops lay down, and early on the ensuing morning recommenced their march, which they continued all day; that, towards the evening of the 15th, some mounted men were dispatched to discover, if possible, a trading house, said to be half-way to the Raisin. That when the detachment was half a mile on its return (which it was found necessary to do) there was an order received from Gen. Hull to return; the men had had nothing to eat but corn and pumpkins taken from the adjacent fields. On their return, and when near Detroit they killed one or two oxen. The orders to the detachment were to proceed until they met Capt. Brush, which they expected to do on the 2d day after their departure; that on the evening of the 15th August, at dark, a note was received by Col. M'Arthur from Gen. Hull, stating that Gen. Brock, who had come to the opposite side of the river, had summoned Detroit to surrender, and directing him to return: that they marched so late that night that many of the men could not support the fatigue, and resumed the march very early the next morning; that they heard cannonading at Detroit, and, when within a mile and a half or two miles of that place, met a Frenchman who declared that Detroit had surrendered to the British; that they then fell back 3 or 4 miles, to an advantageous post on the river Rouge, where there was a bridge, at which they thought they could defend themselves, and ascertain whether the fort had really surrendered or not; the intelligence was soon confirmed by deserters from the fort. That a council

of Officers was then held, to consider what course should be pursued. In this council it was considered that 1-4th or perhaps 1-3d of the detachment could make good its retreat to Ohio, and therefore it was determined to send in Capt. Mansfield with a flag to the British commander, to inform him that if there was an unconditional surrender, they (the detachment) were prepared to defend themselves; but, that if there was a condition in the capitulation, that the detachment might return to the United States, they would avail themselves of that condition. That, one hour after Capt. Mansfield's departure, a flag was sent out by Gen. Brock, with a letter, as witness believes, from Gen. Hull, stating that the detachment was included in the capitulation, and requiring its return—that Capt. Mansfield also returned, and said that the detachment had been included in the capitulation: upon which it did return to Detroit and surrendered itself. Gen. Cass further said, that when he left Detroit for the river Raisin, the troops were in good health and spirits; that is---to meet the enemy; but were unpleasantly situated. Being asked by the court what he meant by an unpleasant situation; the witness answered, that the Officers and men had lost all confidence in the commanding Officer---that this was not a matter of mere private opinion, but was the general expression and feeling. The witness said that the character of the Michigan militia stood high. That when the detachment approached Detroit on the south-west part, and afterwards struck the river at Spring Wells, and marched up the river to Detroit, on the morning of the 16th August, when they heard of the surrender, it would have been in the rear of the British: which was a circumstance the British had been apprehensive of.

The witness now, resuming his evidence on the charges generally, further stated, that he never saw much neglect of duty on the part of Gen. Hull before crossing the river at Detroit, except at Urbana and Dayton, where there were opportunities of disciplining the troops.

*Question by the Court.*—Was there no order for that purpose?

Witness did not recollect any order, nor any appointment made before the arrival of the troops at Detroit, when Capt. Rickman was appointed; he never saw Gen. Hull either discipline his troops, or review them; or visit the guards or the sick; or attend to the police of the camp; or reconnoitre the country; or appear on grand parade; or perform any of those duties prescribed to General Officers.

*Question by the Court.*—Were there never any orders issued?

A. Not to witness's recollection.

Q. Were there not field-officers who reported to G. Hull?

A. There were. Upon recollection, the witness said he saw Gen. Hull at Dayton teach a column to change front; and, when the troops marched from Dayton, Gen. Hull gave the word of command, which witness never after heard him do. He never believed Gen. Hull guilty of treason; never was in action with him, and knows nothing of his courage; but considered him an inattentive officer.

GEN. CASS WAS THEN EXAMINED BY THE COURT.

Q. Were there any artillery officers present at the council prior to that in which the attack on Malden was determined on?

A. I do not recollect; but believe Capt. Dyson was present.

Q. Was there any new impediment to the passing of the cannon?

A. I neither knew nor heard of any.

Q. Did the army retire from Canada in good order?

A. There was not much order with new troops in a retreat by night.

Q. Was the order to retreat the act of a council, or the individual act of the General?

A. I never heard of any council. I know it was strongly opposed by the army.

Q. Had you any reason to know that Gen. Hull was acquainted with the detachment under Col. M'Arthur's being

on its return to Detroit, or was any messenger sent to advise the General of it?

A. The dragoons were sent to reconnoitre, but returned on account of the Indians.

Q. Do you know the cause of the sudden retreat from Canada? Was there a large force in the neighbourhood?

A. After the fall of Mackanae (Michillimakanaek) Gen. Hull appeared to be under great and severe apprehensions, and apprehended a great force from that quarter. I also believe he saw two letters, one from Gen. P. B. Porter, and the other from Gen. Hall, stating that Gen. Broek was marching up. I believe these letters were received by Gen. Hull after the surrender of Detroit.

BRIG. GEN. CASS WAS NOW CROSS-EXAMINED BY THE PRISONER.

Q. Who were the officers who applied to Gen. Hull for an order of battle?

A. I think Col. M'Arthur, Lt. Col. Mills, and Lt. Col. Findlay, applied; but the paper shewn (here a paper marked "Vanbeuren C" was shewn) was not the order of battle agreed to by the officers.

Q. Was not the order of march just shewn, published or made known to the army?

A. I do not know; but presume it was.

Q. Had you any conversation with Gen. Hull respecting the despatch of the vessel from the Miami?

A. I do not recollect; but presume I had.

Q. Did you apprehend that there was war then?

A. I did not; or I would not have sent my baggage.

Q. Whether or not did Gen. Hull think it expedient, under the then existing circumstances, to send the vessel from the Miami?

A. It is impossible for me, at this distance of time, to recollect; but I believe that Gen. Hull's reason for sending the vessel was to save the expense of sending the teams further. I think that was one of the reasons given for sending the vessel.

Q. Was it not a wilderness through which the army had to march?

A. From about 14 miles north of Urbana to Miami it was.

Q. Was the order of march conformable to this plan, and were the officers consulted respecting it?

A. It was nearly; with the exception that the columns were never closed with the rear guard, nor the baggage in the centre. It was, I believe, the order of march by Gen. Wayne, adopted by Gen. Harrison in the same country, and proposed by Col. Miller or Findlay.

Q. Was not the army on its march as liable to be attacked in its rear, as on its flank or in its front?

A. I think we were as liable to be attacked on one point as on another.

Q. Were there not directions, accompanying this order of march, in what way the army was to form in case of attack?

A. I do not know that such directions were given.

Q. After I took command of the troops at Dayton, were not the sentiments I expressed to the troops, and the measures I adopted, calculated to inspire the troops with ambition, regularity and discipline?

A. I do not recollect any sentiments expressed, other than the address to the troops; which I think was a good one, and that you acquitted yourself on the occasion very well. With respect to measures; I do not know that any were adopted in relation to those objects.

Q. Whether or not, when I took the command at Dayton, were orders issued for the different regiments to parade by companies in the morning, and by regiments in the afternoon for exercise?

A. With the exception I have before stated, I do not recollect such orders.

Q. Do you not recollect my exercising the troops at Urbana, myself?

A. The army was out, for the purpose of being reviewed by Governor Meigs.

The court adjourned to the next day.

*10th day, Saturday, 29th Jan. 1814.*

THE CROSS EXAMINATION OF BRIGADIER GENERAL CASS  
CONTINUED.

A letter dated Sandwich 17th July, 1812, was exhibited by General Hull to General Cass.

Q. Is that a copy of the letter sent to you at River Aux Canards?

A. It is in substance.

Q. How many days was the army at Detroit before it crossed to Sandwich?

A. I think 5 or 6 days. We arrived at the Spring Wells, near Detroit, staid two or three days at the wells and crossed on the 12th.

Q. What could have been done to the works, previous to crossing?

A. There could have been a great deal done, or very little. I cannot answer with precision—I was not in the fort at Detroit, until my return from Canada—I wish to give a proper answer. The Army had had a tedious march, and therefore it might have been right to employ the troops upon fatigues.

Q. Are you acquainted with Capt. Thorpe, of the artificers?

A. I am.

Q. Was I not employed, before crossing the river, in organizing a corps of artificers.

A. A corps of artificers was organized under Capt. Thorpe, but whether before or after the passage, I cannot say.

Q. Were not artificers called from the different regiments?

A. There were some detailed from the regiment under my command, and probably from the rest.

Q. After we arrived at Detroit, and before crossing the river, were not several detachments sent to obtain boats and other means of crossing the river?

A. I do not recollect; boats were collected and collecting: I do not know of any public boats.

Q. Was it not apprehended that the fall of Mackinac would have an injurious effect upon the Indians and Canadian militia?

A. As I before stated, Gen. Hull felt great apprehensions ; but I did not ; nor do I believe the other officers did---the objects of the expedition might, in my opinion, have been effected before any ill effects were felt. I do not know of a single Indian having arrived at Detroit until three days after the surrender---Neither was there much danger to be apprehended from the Canadian inhabitants, as in my opinion the greater proportion of them had taken protection from Gen. Hull.

Q. Who commanded the British at Malden, about the beginning of August ?

A. On or about the 7th August, General Proctor succeeded Col. St. George in the command.

Q. Did not Gen. Proctor bring a considerable reinforcement ?

A. The impression on my mind is that about 100 men arrived there with him.

Q. When you received my letter at River Aux Canards, was the opinion of the officers, about returning, unanimous ?

A. I think it was, or nearly so.

Q. Were instructions given to Major Vanhorne to take a bye-path ?

A. I understood there were.

Q. Was not Brownstown to be avoided ?

A. I think he was instructed to avoid Brownstown.

Q. Was the force that attacked Major Vanhorne any other than of Indians ?

A. I do not know, but understood so. I believe a detachment of British troops passed over from Malden, during the fire and after Major Vanhorne's action.

Q. Was the council, at which the field officers were, called shortly after our arrival in Canada ?

A. I do not know, but presume it was.

Q. Was not the question---whether Malden should be attacked ? proposed in that council ?

A. I think it was.

Q. Did I not state to this council that the artillery was not prepared, having only 6 pounders ?

A. I cannot say. It is probable.

Q. Did I not state to the council that the enemy at Malden had 18 and 24 pounders?

A. Very probably, but I do not recollect it.

Q. Did I not state that we must rely upon the bayonet alone, for want of cannon to make a breach?

A. I think you did.

Q. Did I not submit to the commanders of new troops, that if they were confident in their dependence upon their men, to storm regular works manned with regular troops, and that with the bayonet, I would lead them?

A. I think Gen Hull might have had the valour, but as to his offer to lead them, I do not recollect it---my opinion and impression was, and I believe it was that of commanding officers of regiments, that the army could take the fort.

Q. What was the opinion of this Council?

A. I think that by a majority of one, it was agreed to wait for the heavy ordnance.

Q. Did I not state on the 7th August, previous to the retreat to Detroit, that my object in returning to Detroit was to concentrate my forces, the better to open my communication with the river Raisin?

A. I recollect that General Hull, on the evening of the retreat, endeavoured to satisfy the officers (that is, the commanders of regiments) that the evacuation would be proper for the purpose stated in the question, but they thought differently---The General ordered his own opinion to be carried into effect, considering himself as the responsible person; observing farther that he thought the act proper, and although his son, his officers and every person were against him, he would act agreeably to his own judgment.

Q. Did I not inform you, previous to crossing, that major Chambers, of the 41st British regiment was advancing from Fort George against our army at the head of Lake Ontario. (Moravian grounds) with artillery and an additional force of militia?

A. Gen. Hull stated that Major C. was at the head of river French, with some regulars and some Indians, and was raising the militia. I believe this was previous to our



leaving Canada, but am not certain: the distance between Detroit and river French, where Major C. was, is one hundred and twenty miles.

Q. Was not the march through the wilderness a heavy and fatiguing one?

A. It was: and Gen. Hull hurried us as much as was proper.

Q. Do you not recollect my order for the building of several block houses?

A. There were two completed on our march; one commenced, but left incomplete; and a detachment was left at Miami to build a fourth. The army marched from Dayton to Stanton, with a view of taking a different route from the one taken.

Q. Do you recollect a council of war held at my house, at Detroit, on the 9th, July, and what was said and done?

A. I do. The order from the Secretary at war was submitted to the court, directing you, on your arrival at Detroit, to take measures for securing your post, and to wait further orders. At that time it appeared as if the enemy were erecting batteries on the opposite shore: it however subsequently appeared that it was not the case. It was my opinion, and that of the other officers generally, that you ought to cross the river without further orders. My impression was that Gen. Hull agreed to cross the Detroit, without further orders from the Secretary of war. Gen. Hull was very much embarrassed and was relieved by an order received that very night.

Q. When did you arrive at Detroit after the capitulation?

A. On the same day after dark.

Q. Were not all the militia who had joined the army, excepting twelve hundred, unauthorized by government?

A. I do not know. I understood that twelve hundred were required by government from Ohio; all the rest were taken under the responsibility of Governor Meigs.

Here the cross examination of Brig. Gen. Cass was closed; and he was re-examined by the court.

Gen. Hull's order of the 17th August, marked "taken of Gen. Proctor" was produced. It was directed to the commanding officer at the Rapids, desiring him to surrender with his men as being included in the capitulation, and belonging to Michigan territory, a distance of many miles from Detroit---General Cass said that 30 or 40 men of the Ohio militia made off and returned home in safety, after giving notice to Captain Brush, who also returned home with his detachment, without regarding the capitulation, of which he heard.

Here M'Arthur, page 84, was referred to by the Judge Advocate, as to matters of opinion, in consequence of which farther questions to General Cass were waived.

General Cass then said that at the time of the evacuation of Canada ; but thinks, after that event ; if General Hull had retired from Detroit to take up a position at Raisin, in his opinion the Ohio volunteers would have left him--The witness does not recollect that General Hull suggested to him the idea of such a retreat, as an event which a subsequent state of things might require ; or that he told General Hull that the Ohio militia would leave him : although he thinks they would have done so, under the idea of a surrender---but that if it was deemed a necessary and proper step they would not.

*Question by the Court*—Were the orders for detachments from the army regularly accompanied with directions, in the general order, for the number of rations to be issued and taken with the detachment ?

A. I do not recollect ; but I rather think not.

Q. By General Hull.

When the detachment under General M'Arthur arrived near Detroit, on the day of the surrender, did it not occur to you that some signal might be given to the fort, informing them of your approach ?

A. Before we got near enough to the fort to make any signals, we heard from a Frenchman that the fort had surrendered, which was done when the detachment was 4 or 5 miles from the fort. We also saw Indians catching horses and shooting cattle.

The court adjourned to Monday next.

*11th day, Monday 31st, January, 1811.*

The Court met, pursuant to adjournment, when major Jonah Snelling, of the 4th Infantry, called on the part of the U. S. was sworn and examined : He stated that he joined the N. W. army at Urbana, and remained with it as captain until the surrender to general Brock—that he never heard of any order of battle—that he understood there was an order of march, but never saw it promulgated in orders : that the army marched with an advanced guard and flanking parties, and arrived at the rapids on or about the 30th June—that he heard there was a message in camp from Washington ; that the first intimation he had of the hiring of a vessel was on the 1st July, when Col. Miller called at the officers tents and told them they must put their baggage on board of vessels for Detroit. That the army arrived at Springwells on the 5th July, that on or about the 6th or 7th, the whole army marched through Detroit in the morning and returned in the afternoon ; on the 6th or 7th marched from Springwells—on the 8th or 9th marched with baggage and camp equipage and encamped in the rear of the town of Detroit—it remained there until the 12th, when the whole army crossed over into Canada : Gen. Hull, as witness believes, crossed over with the last division of the army. That witness was in Canada about 16 days with the army, during which time fatigue parties were detailed every day ; that witness then returned to Detroit with a detachment under Col. Miller, to prepare artillery &c. for the attack on Malden ; but does not know if the detachment was employed on that service—that he was in the detachment under Col. Cass that took the bridge ; that it was the opinion of the officers generally, and he believes unanimously, that the possession of the bridge was of great importance towards taking Malden—that this opinion was communicated to Gen. Hull, who returned an answer, leaving it to the discretion of the officers ; upon which they determined to evacuate the bridge. That the officers did not persist in their opinion, because they thought, or at least he did, that the Gen. should have

taken the responsibility on himself, and not have thrown it upon the officers—that the principal reason by which the officers were influenced, was their thinking it was a proper position for the army, which, it was expected would move down; but that the distance from the then position of the army was too great for a picquet guard. That witness was sent with a reinforcement of between 80 and 90 men to reinforce, or rather to cover the retreat of Major Vanhorne, as soon as it was reported that he was in danger; but that the detachment did not proceed far before Major Vanhorne's party was met returning. That while witness was in camp at Sandwich, an attack on the Queen Charlotte was contemplated.

Here an objection was made by Gen. Hull to Major Snelling's testifying to any thing not in the charges or specification, upon which the Judge advocate submitted the following questions, which were waived for the present.

**Q.** Was an attack on the Queen Charlotte contemplated, previous to the capitulation?---Were there any preparations made by our army to carry it into effect?---was the plan abandoned; and what were the reasons assigned by Gen. Hull for so abandoning it?

Major Snelling then stated that he remembers seeing the enemy erecting batteries on the opposite side of Detroit river on the morning of the 15th August, that a court of enquiry was sitting to inquire into the conduct of Lt. Hanks, when about 10 A. M. captain Fuller saw a white flag crossing, upon which Col. Miller adjourned the court---that witness then proceeded with Captain Fuller to receive the flag---that Lt. Col. M'Donald and Capt Glegg bore the flag, were blindfolded and conducted by order of General Hull to a house near the fort (100 or 200 yards distant) belonging to major Hunt, civil aid to General Hull, until the communication was made to General Hull, who directed the gentlemen to be detained; which was done until 3 o'clock P. M. during which time they were uneasy at their detention---that witness went into the street, and saw captain Hull, aid de camp to his father, who said he had the letter in reply in his pocket; but was ordered to with-

hold it, under the idea of giving the army time for defence. That witness however soon saw people running into the fort and in all directions, carrying beds, &c. That witness and captain Fuller were stationed near Hunt's house in the citadel yard---that the rendezvous of the regiment was in the Fort, that of the militia in the rear of the town, in the open ground; that he had no knowledge of the movements of the troops, or of any orders being given : that witness perceived with a glass the enemy taking down a building which covered a masked battery erected by them ; and that in about an hour after the return to their side of Lt. Col. McDonald and Captain Glegg, a firing of cannon commenced, upon which witness formed his company and the remainder of the 4th regiment (Col. Miller being sick) in the citadel yard, and then repaired towards the fort, and on his way met General Hull in the street, whom witness asked for orders ; when the General directed him to proceed to the fort, and post his men in the ramparts, which was done ; part of them put to the guns and others provided with pikes. That towards sundown witness was ordered with 47 or 50 men and a field piece ( $\frac{1}{2}$ pr.) to Spring Wells (about 3 miles distant) as a piequet guard—He had also 3 dragoons, to serve as expresses in case of need---that the Queen Charlotte on the same day had moved up the river, directly opposite to Springwells ; that the orders witness received were, to take a post at Springwells, report any movements of the enemy which he might discover, and return by break of day, so as to avoid the fire of the Queen Charlotte which lay in the middle of the channel—that the shore was much higher than the decks of that vessel, and the river at Springwells about  $\frac{3}{4}$  of a mile broad ; that the detachment could have moved by other routes, but not the artillery, and that the road was directly on the shore. That witness sent a dragoon to communicate to Gen. Hull ; that Col. Taylor and Major Jessup visited Springwells, and were consulted on the expediency of having a  $2\frac{1}{2}$ pr. brought, to be posted on the artificial mound, with a view to dislodge the Queen Charlotte from her moorings ; that another dragoon was despatched to acquaint Gen. Hull verbally, that those officers coincided in opinion with the witness that a  $2\frac{1}{2}$  pounder would do well, and that they

recommended it to Gen. Hull---that the dragoon returned with an answer, that a 24 pounder could not be transported over the bridge; which bridge, witness says was about 12 or 14 feet high, and 8 or 10 yards long, and built of wood---that Capt. Hull was also there and proposed recommending it to Gen. Hull to send a 24 pounder. That witness heard of no military movements during the night; he heard oars, which he supposed were in two or three boats, passing from the Queen Charlotte to the Brig Hunter or to the Enemy's shore. That witness thought, with the other officers that a 24 pounder could have been transported across the bridge. That witness returned to the fort at Detroit about dawn of day; soon after which the cannonading and bombardment commenced from the enemy, and were returned by the American batteries on the river, but not from the fort. That about 7 o'clock in the morning the British were seen from the ramparts, crossing the river, which was reported by witness to Gen. Hull: that no resistance, which witness knows of was made either to their landing or to their approach---that two shots took effect on us, one of which killed two commissioned officers and a surgeon, and wounded another surgeon, the other killed two privates. That soon afterwards Capt. Hull was sent across the river with a flag of truce, and witness was ordered by Gen. Hull to proceed to Col. Findlay, who was stationed with Major Denny and his Regt. about four hundred yards in advance towards Springwells, and direct him to retreat to the fort. That the artillery, ammunition and part of the 4th Regt. were at the batteries, two of which were on the banks of the river, the other in Judge Woodward's garden---the Michigan militia were in the rear of the town. That witness delivered the order to Col. Findlay who appeared unwilling to obey it by marching his Regt. into the fort. That, after this service, witness repaired to the battery commanded by Major Anderson, where a British officer, Lieut. Duer, of the Quarter-master's department, arrived with a man bearing a flag of truce, to know why our flag was sent over the river; that witness replied he believed it had been sent with a message from Gen. Hull to Gen. Brock, who was sup-

posed to be on the other side of the river. That witness then sent Lt. Hunt on horseback to Gen. Hull, who returned with a sealed paper from Gen. Hull, addressed to Gen. Brock, with directions to witness to proceed to Gen. Brock with the same. That witness carried and delivered the note to Gen. Brock, who was two hundred yards in advance of the head of his column, without any advance-guard. That the enemy was then near the house at which Doctor Henry resided, about 3-4 of a mile, or a mile from the fort at Detroit—that the note was, as far as witness recollects, having seen it in the hands of Lt. Col. M'Donald.

Here an objection was taken to this part of the evidence, by the prisoner, who desired that the questions, in the present point of enquiry, should be taken down in writing; and that the answer should be taken to each interrogatory distinctly. The following questions were then put.

Q. Was the note brought to you by Lt. Hunt, the one delivered by you to Gen. Brock?

A. It was.

Q. Did you see this note afterwards? If so, when and where; and what reason have you for believing it to be the same?

A. I did. Gen. Brock put it into the hands of Lt. Col. M'Donald in my presence; and while Col. M'Donald and Capt. Glegg were engaged in writing the articles of capitulation, I saw Col. M'Donald lay it on the table or writing desk. I then read it as it lay on the table or desk, and have no doubt it was the same paper I handed to Gen. Brock.

Q. Were you acquainted with the hand writing of Gen. Hull?

A. I had seen it many times.

Q. Had you at the time any doubt that it was in the hand writing of Gen. Hull?

A. None at all. My opinion is founded upon the knowledge I have of the General's handwriting, and the circumstances under which the note was delivered to me.

Q. Were the British officers conducted to the place where the articles of capitulation were drawn up, in consequence of that note; and were they there met by Gen. Hull?

A. After I delivered the note, Gen. Brock asked me whether I was authorized to agree to settle the terms: I replied that I was not. He then directed Col. M'Donald and Capt. Glegg, to accompany me to the fort; when on the way, we were met by some person (whom I do not recollect) who directed us to a marquee which had been pitched a short time before, as I understood, by the orders of Gen. Hull.

Q. What were the contents of the note?

A. I cannot now speak with certainty: but my best recollection is that it contained these words. "Sir, I agree to surrender the fort and town of Detroit;" and was signed "William Hull," Brig. Gen. United States army. I considered at the time that it was a surrender without stipulation—The witness would not undertake to say that what he had stated was the whole substance of the note; but he believed it was.

Witness then proceeded in the usual manner to state further, and said, that Capt. Hull, who had been sent over the river with a flag, did not return until after the British flag was hoisted---That Gen. Hull came within a few paces of the marquee in which Col. M'Donald and Captain Glegg were; that Gen. Hull was conversing with Col. Findlay, who spoke with considerable warmth; that witness did not hear distinctly, but understood that he, Col. Findlay, would have nothing to do with the capitulation---that Lt. Col. Miller and Captain Brush were directed to confer, and did confer with the British Officers with respect to the terms of the capitulation---that Lieut. Col. Miller at the time had a violent fit of ague, and lay on the ground while the officers were engaged in drawing up the articles of capitulation; that many of the American officers assembled near the marquee, when Gen. Hull desired them to retire; and that witness, who was one of them, retired accordingly.

Witness then stated that during the cannonade of the 16th, he saw Gen. Hull get up once for some particular purpose, and perhaps twice; and that, during the residue of the time, he was sitting on an old tent, or something of that sort, on



the ground, with his back against the ramparts, and under the curtain nearest the enemy.

Here, at the solicitation of the prisoner's counsel the remainder of the evidence was, to be taken down by question and answer.

**Q.** Were the appearance, conduct and conversation of Gen. Hull such as to induce a belief that he was under the influence of personal fear?

**A.** I have always understood that the passion of fear is indicated by certain looks and actions; and, judging from past knowledge on that subject, I thought him under the influence of fear: his whole conduct made that impression on my mind at the time—The reasons that induced me to draw that conclusion were; that the General selected the safest place in the fort for his seat, on an old tent on the ground and leaned against the ramparts between the guard house and the gate: his voice trembled when he spoke—he apparently unconsciously filled his mouth with tobacco, putting in quid after quid, more than he generally did: the spittle coloured with tobacco-juice ran from his mouth on his neckcloth, beard, cravat and vest—he would rub the lower part of his face, which was apparently covered with spittle; he was repeatedly informed that the enemy were crossing the river, but he took no measures to oppose them, with which I am acquainted.

The witness then proceeded to state that the American troops were called into the fort—which was very much crowded, before the articles of capitulation were signed. That when Gen. Hull was informed that the enemy were crossing, he made no other answer to Lieutenant Peckham (to the knowledge of witness) than “are they coming?” That witness stood at the corner of a slip leading to the gate of the fort, and attempted to count the British troops on entering the fort—that the troops in advance were the 41st, in platoons of fourteen files, as well as the York militia volunteers—twenty nine platoons, two deep, in red coats—that the militia platoons consisted of no more than seven or eight files, and composed one third of the whole force—probably seven hundred and fifty whites—of which the remaining two thirds

were regulars and uniform militia. Witness supposes the Indian force to have been more than one hundred and fifty, although he only saw about that number drawn up to fire a salute as he understood.

Witness says that the spirit of the American troops to meet the enemy was, in his opinion of the most laudable kind, and he believes pervaded the whole of them, but certainly his regiment, the 4th--and that when at Urbana he was at a grand parade; which was the only time he saw the whole of the troops together for parade.

*Question by the court*—What was the state of the discipline of the army, generally?

A. I never saw the army parade but once at Urbana, and therefore cannot judge—I can answer only for the 4th regiment. The 4th regiment had been on service four years, and was in good discipline.

The court adjourned to the next day.

*12th day, Tuesday, Feb. 14th, 1814.*

The court met pursuant to adjournment, and was opened by Gen. Hull's waiving the objection taken by him yesterday to the examination of Major Smelling respecting the Queen Charlotte—The Judge Advocate however considered the objection a valid one, the subject matter of that ship not being contained in the specification, and therefore would not at present avail himself of the General's permission. Major Smelling's examination was then continued.

The witness stated that he informed Gen. Hull, on the morning of the surrender, that the ammunition out side the should be brought in—that a detachment from the 4th regiment was ordered to remove it; in which business witness saw them engaged, and supposes nineteen or twenty casks of one hundred pounds each, were brought in—that he never heard it suggested by any individual, before the capitulation, that there was a scarcity of either provisions or ammunition. That after the battle of Brounstown a requisition was made for a quantity of ammunition, to complete thirty rounds for each man of the 4th regiment, and which they had

ever saw any person---he had used so much tobacco as to have the lower part of his face much discoloured by it.

Capt. M'Cormick, continuing his evidence, stated that the troops that were out on the lines marched into the fort about the time the British officers, General Hull and Col. Miller and Brush went to the officers' quarters---that to the best of his recollection, Col. Findlay's regiment was on that day between 430 and 460 strong, who marched into the fort---that there were under arms, outside of the fort, (and who also marched in) including Col. Findlay's regiment, Major ---, from colonel M'Arthur's regiment, the company of waggoners belonging to captain Kemper, part of Col. Cass's regiment under Capt. Sanderson, and a detachment of Michigan militia under Lt. Brady, a number which he estimated at between 800 and 1000 men---that the fort was very much crowded---that the spirit of the men formed outside the fort was evinced by their saying, *they would have an opportunity of revenging themselves for the injuries they had received, by killing most of the enemy--* that many of the private soldiers were seen to shed tears in abundance on receiving the orders of surrender, that the picket fence, behind which Col. Findlay's regiment was posted, was generally so close as that the rails nearly touched each other, and many of the men employed tomahawks to open a space for their muskets---that on the evening of the 15th, the quarter-master supplied Col. Findlay's reg. with as many cartridges as the boxes could contain---that he never heard any complaints of the *quantity* of the provisions or ammunition, though he did of the *quality*; nor were any apprehensions entertained of a scarcity, there being in the town plenty of salt, of pork and sheep, grain and stock.

CAPT. M'CORMICK WAS NOW CROSS EXAMINED BY THE PRISONER.

Q. How long was it after the cannonading ceased, before your Reg. marched from the picket fence?

A. Probably from one to three quarters of an hour.

Q. How long was it after the cannonading that you arrived at the fort?

A. About half an hour.

**Q.** Did you not see me at the picketed fence when Col. Findlays regiment was there ?

**A.** I saw you once that morning ; it appears to me it was there.

The court adjourned to the next day.

*13th day, Wednesday, 2d Feb. 1814*

The court met pursuant to adjournment, when Brig. General Duncan M'Arthur was sworn, and stated---That he belonged to the North Western army commanded by General Hull, and was elected to the command of the 1st regiment of Ohio volunteers at Dayton ; that they marched from Dayton to Staunton. and thence to Urbana---that he knows of no material occurrence in the army until its arrival at Blanchard's fork, now known by the name of Fort Findlay. That on or about the evening of the 26th June, an express arrived from Chillicothe with a letter handed to General Hull, who, after reading it, gave it to the witness ; the witness thinks it was a letter from the Secretary of war, dated 18th June, 1812---that he cannot recollect the whole precise words, but that the substance was " that circumstances had occurred there (at Washington) which rendered it necessary for General Hull to proceed to Detroit with all possible expedition, prepare for defence and wait farther orders."---that witness also received by the same express a letter from a friend at Chillicothe, giving a postscript, said to be from a letter from General Worthington, senator in Congress.

**Q.** Do you know that the letter you speak of is in existence ?

Here arose an objection, on the part of General Hull, to parole evidence, " unless it be proved that the letter has been lost or destroyed."

**A.** I do not---it may or may not be in existence.

**Q.** Did you communicate the contents of that letter to General Hull ?

**A.** I did.

**Q.** What were its contents ?

The court was now closed for the purpose of considering the objection, and the propriety of disclosing the contents of the letter again—When the court was opened, the objection, was declared to be overruled.

A. The postscript to the letter communicated to General Hull was “before this reaches you, war will be declared.” Col. Dunlap, the express, also stated to witness that the impression at Chillicothe was that war was declared; this I also communicated to General Hull, who asked me, when he put the Secretary of war’s letter into my hands, what I thought of it—to which I replied that I thought it a notice of a declaration of war—Some farther conversation ensued, upon the whole of which, and a comparison of former communications from Washington from time to time, it was inferred that war was then declared.

General M<sup>r</sup>Arthur now proceeded in the usual manner, and stated---that Col. Cass was at that time, in advance, opening the road, and Gen. Hull proceeded after him with the army, and, as witness thinks, on the third day in the afternoon arrived at the Rapids of Miami, after passing through some wet roads in the prairie---that platoon officers and men appeared desirous of crossing the river that afternoon, and to wade across for the purpose of cleaning themselves---that witness applied to General Hull for permission to cross the river, which was refused, and the army ordered to encamp, and on the next morning the army was ordered to shift and put on clean clothes---that some time was taken up in making the men appear to advantage in passing a settlement, principally consisting of French inhabitants---that the army crossed the river in boats, passed through a village in sections or small platoons, and encamped about four miles from the place whence it started---Witness thinks this was on the last day of the month---some time was taken up in mustering the men and calling the rolls.

Gen. M<sup>r</sup>Arthur then stated that General Hull sent for him (the witness) to his tent, and on witness’s arrival asked what he thought of sending the baggage by water; to which witness replied, in substance, that he thought it would be hazardous as the British might be informed of the

declaration of war, and seize the vessel---that witness thinks Gen. Hull, stated that he could not imagine there was any danger, and that if the wind was fair, the vessel would pass in a very short time---that it was not probable she would be molested, and that he could not think of taking the responsibility of carrying the teams any farther---That witness believes there was an order issued, but whether verbal or written he does not recollect, directing the baggage to be sent on by water---that the risk of sending the baggage by water was the subject of general conversation in the camp, and that witness stated to Gen. Hull that he would take as much of his own baggage by land as he could, which he did. That the army proceeded towards Detroit from the foot of the Rapids, and on the 1st, or 2d, July the commanders of regiments were called upon by the General to attend at his tent, and were informed of the receipt of a letter by him, notifying the declaration of war---that the army proceeded on its march, and on the second night encamped near River Raisin, where the men (who were then undressed) were, as usual, dressed---that the army encamped near Swan Creek, about nine miles from the river Raisin---that rumours were afloat among the inhabitants that we should be attacked by the Indians on the river Huron, six miles from the encampment, and that Col. Findlay and the witness called upon General Hull, and stated that they thought it would be advantageous to agree upon some plan of battle in case of an attack.

The witness then, proceeded to state that in the order of march hitherto pursued, his regiment had marched in two battalions, one of them in the rear of colonel Findlay's regiment, and the other in the rear of Col. Cass's regiment---that, as from this position of his men, he, the witness, could not be with both his battalions, he wished to have them formed in one line, if an attack should take place; he therefore applied to Gen. Hull who observed it would be well enough to do so; and then witness suggested that his regiment should be formed in the rear, across the road, for the purpose of forming one line of a hollow square, for doing which permission was granted by General Hull; that witness then retired, and does not recollect whether he

left other officers with General Hull or not—That the army arrived at the river Huron about the middle of the day on which it left Swan Creek, and found some hands building a bridge across the Huron—that the front halted, and witness's regiment formed in the manner stated to have been agreed to by Gen. Hull.—That some time before the baggage waggons came up, and before the bridge was in a state for passing, witness suggested the propriety of having some victuals cooked; to which the General replied that the bridge would soon be ready for crossing, and he therefore thought it would scarcely be worth while—that it was however late before the bridge was ready, and when it was, the army crossed and encamped in a marshy prairie, on the banks of the Huron—that the troops were late in getting their rations, and in consequence of orders being given to put out fires at 10 o'clock, many of the men were obliged to lie down without supper, which excited much murmuring---that complaints were made to the subalterns, and by them to those of higher rank---that witness himself represented the hardships of the case to Gen. Hull, but the fires were not re-kindled, and the men were ordered to march next morning without breakfast. The troops in advance proceeded so rapidly that the line was frequently broken, and more than a mile long, in consequence of several muddy fords near Brownstown—that witness rode up to Gen. Hull and requested him to halt the front of the line, stating that if the army should be attacked, they never could unite their force—that in consequence of this application the front was halted until the baggage came up, and then the army proceeded along the river until it reached an Indian settlement of two or three houses, when the General halted and the band played a considerable time---that the army marched on some way when a firing of cannon was heard in the direction of Detroit or Sandwich; in consequence of which the march was quickened, and the principal part of the army arrived at Springwells, but the rear guard and baggage did not pass River Rouge---witness thinks this was on the 5th, July—the troops encamped at Springwells, forming one straight line.

The witness proceeding in his evidence, said that he believes

the next day Col. Cass was sent to Malden with a flag of truce, and on the succeeding day, as witness thinks, returned with the same in a boat, in company with a man said to be a British officer of the navy, and a boats crew of about half a dozen---that these men passed at discretion by witness's regiment, without being blindfolded---that after remaining some time, the British officer returned and halted in front of witness's regiment and enquired where the rest of his crew were, and was informed they were down the lines ; he then ordered the others to go in search of them, and during their absence continued walking backwards and forwards in front of witness's regiment, and could take a full view of the whole encampment---that witness stated at the first in as moderate terms as he could, his displeasure and disgust, at seeing the British officers indulged so much, and that General Hull replied in a good natured easy way, that " it was not material, as the more they saw of his force, the less they would like it," or words to that effect--that, soon after this, the General directed the witness, and he presumes other commanders of regiments, to put the troops in the best possible order for marching them to Detroit, and they were accordingly marched to that place along the river, leaving their baggage at Springwells---that this march was performed late in the evening, when they immediately returned to Springwells, without halting, very late, and the men much fatigued--That General Hull remained at Detroit, consequently the command was supposed to have devolved upon the witness--that witness is not certain whether it was on that night ; but one night, when the troops were at Springwells and General Hull was at Detroit, the army heard as was thought, the movements of the enemy on the opposite shore, transporting heavy carriages, supposed to be artillery ; upon which this witness despatched a messenger to General Hull informing him of the impression--after some time had elapsed the enemy were heard to cry ' *all's well*' on the opposite side--the witness does not recollect who was sent with the message, which was a verbal one, but heard nothing in reply from the first messenger---that, after hearing the cries of these centinels and ascertaining, as was supposed, the number to be five, it was concluded by the witness, Col,



**Findlay** and **Major Jessup** that the enemy had formed an encampment on the opposite side---Witness thinks he sent quarter-master **General Taylor** and, he believes, **Major Jessup** to inform **General Hull** of the result of their observations, and with a request that he would send down some boats, or have them collected, and direct at what point they might be found.

**Gen. M<sup>c</sup>Arthur** was proceeding to state more particularly the information which quarter-master **Taylor** was instructed to give **G. Hull** respecting an enemy's detachment being on the opposite side of the river, and also that permission was requested to cut them off, when the prisoner addressed the Court in the following words: "I beg that the **J. Advocate** may state under what specification the testimony now given is offered, and if it be not specified, under which of the charges it is, I object to it. I cannot be prepared to defend myself against charges which have not been exhibited. I pray that this objection may be considered as extending to all the testimony **General M<sup>c</sup>Arthur** has given relative to the visit of the British officer, as well as to that he is now giving relative to the appearance of a British force while the army was at **Springwells**: and I pray that this objection may be entered on the minutes."---Whereupon the Judge Advocate waived for the present the farther examination of **General M<sup>c</sup>Arthur** on the points objected to.

**General M<sup>c</sup>Arthur**, then continuing his narrative, said that he thought, and still thinks, the landing place at **Springwells** the best and most commanding place for a battery on **Detroit river**---one could have been erected there by a few hands in a few hours---such a battery would have commanded the plain within cannon reach---there was none erected from the 11th to the 16th of August, nor at any other time---that when the army marched from **Springwells** to **Detroit**, it took a back route, which **General Hull** stated was for the sake of preventing the enemy from ascertaining his numbers, and for concealing his movements from **Springwells**---that the army encamped at the back of **Detroit**, and continued, he believes, till the morning of the 12th July, when it crossed the river in boats, in two divisions---the 4th Reg. and **Col. Cass's** formed the first division, witness's regiment

and that of Col. Findlay's were in the second division---he believes there were not boats sufficient to transport the whole army at one time---that after landing, on the opposite shore nearly opposite Detroit, the expectations of the witness were that the army would have proceeded on towards Malden ; it was however ordered to encamp, which was done ; and in that place the main body of the army remained until it recrossed to Detroit.

The witness then continued to state as follows---That on the day after the army crossed the river, orders were given by General Hull to throw up an entrenchment round the encampment, which was done---that when the army arrived there, there was a picket fence on the upper and lower side of the encampment ; one also on the rear, but which not suiting the views of General Hull, was removed and placed on the bank side of the encampment. That on the evening of the 13th, as witness thinks, after the bank had been thrown up, and after the troops had lain down and taken their first nap, General Hull sent for witness and told him he had received information from some dragoons that a party of Indians had been at Malden and were seen returning up the Detroit river towards the river Thames, and directed witness to call out 100 or 120 men of his regiment to be joined by some from Col. Findlays, with whom he was ordered to march at a moment's warning and without provisions---at the same time General Hull expressed a wish that witness should take and secure some flour which was on the river Thames---That the detachment marched about seven or eight miles, when the men lay down to rest and conceal themselves 'till day light, being without provisions---that the next morning they continued their rout until they were about twenty miles distant from General Hull's camp, and then halted, cooked a cow and bought some flour---on their march they saw some Indians, all of whom escaped, except a squaw and three children---that the detachment then proceeded up the Thames, procured a considerable quantity of flour and a number of boats and canoes, and brought them to the main body.

General M'Arthur then said that about the time of his return to Camp from the expedition just described, Col. Cass

and Miller were returning from river Aux Canards---that on the next day, as he thinks, Col. Findlay was ordered with his detachment to the same river, and, on the day succeeding, another detachment was ordered down under the command of Capt. Snelling ; perhaps on the third day after his return, witness was ordered down to the river Aux Canards, with part of his regiment, with a view to ascertain whether the Queen Charlotte could reach the bridge with her shot---that witness ascertained pretty well that she was not in a position to do so---that he met Capt. Snelling that morning, who said he had been at the bridge---that witness's detachment fired at long shot at some Indians, who were approaching the bridge, which circumstance drew out some troops from Malden---50 or 60 men wearing red coats, some militia and about 50 Indians, who were fired at across the river---that fires were exchanged across the river Aux Canards, and one or two of our men were wounded---that some guns were at the same time fired from the Queen Charlotte, but whether with any, or what effect, witness cannot say.

The Court adjourned until to morrow.

*14th day, Thursday, February 5d, 1814.*

The Court met pursuant to adjournment, when Brig. General M'Arthur continued his narrative as follows---That when witness was returning he met Col. Cass also returning, and understood that the Indians were killing some of the inhabitants on the Petit Cot settlement. That witness then returned with Col. Cass and found the information to be incorrect---that he does not recollect any other detachment having been sent down to river Aux Canards, but one under Major Dennie, nine days after witness had returned, which was defeated by the enemy and returned to the camp the next morning---that frequent calls of officers commanding regiments were made by General Hull, respecting measures to be pursued, at least, upon an average, once a day, while the army was on the Canada side ; at which meetings General Hull was frequently urged to move on to river Aux Canards, or down to Malden---witness thinks General Hull said he

only waited to have some cannon mounted to make a breach in the enemy's works at Malden. That about the time witness returned from river Thames, or French, the General stated that he supposed cannon would be ready in a few days—sometimes he said in two days, sometimes in four, at others in a week, and so on—plans were frequently proposed for taking down the cannon (2½ pr.) to river Aux Canards—three floating batteries were commenced, two completed, but witness does not recollect whether before or after the fall of Mackinac—that the opinions of the Gen. and of the field officers were frequently taken in the councils, and that Gen. Hull declared that he apprehended that the fall of Mackinac would induce many Indians to descend the lakes, or to shower in from the upper lakes—He thinks it was at that time that General Hull proposed to erect a picket fort on the Canada side; but the officers thought, and it was urged by them to General Hull, that it would be more advisable to make an immediate attempt upon Malden than to delay a long time to erect the fort; and they frequently stated to him that there could be no doubt of success, as there was frequent information, by deserters, of the enemy's force at Malden, as well as concurrent reports of the militia, some of whom said that the regular force of the British did not exceed two hundred, others stated two hundred and twenty—these militia could never give the exact amount of the Indian force, but supposed that for the first fortnight it was from fifty to one hundred—they also stated that, at the time of General Hull's crossing to Canada, the militia force was about five or six hundred, but that they were daily deserting, and there was no doubt, but that they would leave Malden upon the first appearance of our army—Commanding officers were called upon by General Hull to accompany him to select a spot for erecting a picket fort—several were proposed by field officers, but were not approved of by General Hull—at length a place was fixed on, by advice of Major (then Lieut) Anderson as the General stated; but, in the witnesses opinion, one of the most unmilitary spots for a fort on the river, so far as he had travelled—that wit-

ness told General Hull that the place was incapable of being well fortified, pointed out to him that a man standing at a certain distance (about one hundred yards) could overlook the picket and the fort, so as to see a man's feet while upright in the fort, and told him that he himself could fight a whole garrison from that place. That some days after the fall of Mackinac was reported in camp, commanding officers were convened, when General Hull stated that every thing (meaning floating batteries &c.) would be ready in a few days, and that the object of calling them together was to consult whether it was best to wait a few days for the heavy cannon, or make an attack on Malden, or return to Detroit, leaving a small garrison at the work about to be erected---that, as witness believes, the officers were unanimously opposed to recrossing, and some were of opinion that we should attack Malden immediately without heavy guns---that, at a counsel of officers, it was stated by two Artillery officers, that between Forkey river and that of Aux Canards it was marshy, and that near Malden heavy guns could not be worked without a platform---that another council of field officers was held, when General Hull stated that he was about to send off Major Van Horne with a detachment to river Raisin, the amount of which witness does not recollect, but believes to have been about two hundred men---that witness stated to General Hull that the number was too small, and that they would inevitably be defeated; on which the General appealed to the other field officers present, who agreed with the witness that the number was insufficient---each commander, (that is, Col. Findlay, Col. Cass and the witness)---proposed taking his own regiment, which would then have formed about double the force of the proposed detachment---Major Van Horne was however, detached. Witness well remembers, after Major Van Horne left the camp, his (witness) going to General Hull and telling him what he thought of Major Vanhorne's danger, and recommending his sending a farther force to join him that night; when the General replied that Major Vanhorne was sent by a back route. Witness then told General Hull, that he had been informed by a couple of Frenchmen that there were no back roads that they knew of, and that the

country was intersected with marshy prairies from below the river Aux Canards ; and he again requested General Hull to send a farther force to join Major Vanhorne, but the General paid little attention, and replied there was no fear, he would do very well.

Brigadier General M'Arthur then stated, that he was afterwards sent for by General Hull, who said he intended to leave the witness with his regiment to occupy the picket fort which he so cordially despised, and that he himself, with the residue of the army would return to Detroit---that on this, witness became warm, and in his reply to the General stated the hardship of his regiment being left to be sacrificed to the enemy, and said that if it were his order, he would obey it, but thought it would be better to have a force detailed---that witness stated, and it was admitted by the General that the work could not be defended against cannon, but only against small arms, and there was no doubt that the British would bring cannon---he recollects telling the prisoner that he thought the leaving a detachment there could only produce disgrace to the officer, though it might cover his own disgrace in recrossing to Detroit ; upon which General Hull made in reply an insinuation of cowardice in the witness, who became warm and felt much hurt by the insinuation, and said that if General Hull would advance to Malden, he would prove that he could go as far as the General or any of his friends could go or would dare to go---that witness then retired, and in about an hour after, an order came to desire witness to repair to General Hull's quarters, where he was met by the other commanders of regiments ; on which occasion General Hull stated that he had called them together for the purpose of adopting their opinions as his own---that as the officers, including his own son and his son-in-law differed in opinion from him, respecting the re-crossing the river, he would move against Malden at the head of his troops, " and," said he, " in whatever manner the affair may terminate, I never will reflect upon you, gentlemen."—Immediately after which an order was issued to prepare for an attack upon Malden—witness thinks this was on the day before the army re-crossed—The

determination was communicated to the platoon officers, and by them to the troops, who appeared highly pleased at the confident expectation entertained of attacking the enemy—These preparations were continued until about the middle of the next day, when General Hull again sent for the field officers, and stated to them, that notwithstanding the respect he had for their opinions, he considered himself responsible for the movements and the ultimate fate of that army, and that he had come to a determination to re-cross the river, for the protection of the fort and town of Detroit, to which witness replied, "Well, General, if it is your opinion, it must be so, but I must beg leave to decline giving any further opinion as to the movements of the army."—Upon the promulgation of this order to the men, they appeared dispirited and dejected, and seemed regardless of what they did—The army recrossed according to order and took post at the back of the town of Detroit.

The witness then proceeded to state that, as he thinks, on the day the army recrossed, Col. Miller was despatched (as before stated) to open a communication with the River Raisin, and that on the evening of the 9th July, witness was sent for by General Hull who acquainted him of the battle of Col. Miller's detachment at Brownstown, and ordered witness to collect the boats and proceed with one hundred men to bring back the wounded, but to call first at the commissary's stores and draw one day's provisions for Col. Miller's detachment, which was out of provisions--that the witness was detained three or four hours in procuring the provisions, in which time he met with Col. Godfrey, of the Michigan militia, who appeared to know the business on which witness was going, and who told witness that he might go, but it would be impossible for him to return with his detachment on the river; and Col. Godefrey was therefore desired by the witness to come down with some waggons, which he did--witness then proceeded on the service ordered, effected the objects, returned as far as he could by water, and then took the waggons brought by Col. Godefrey to transport them to Detroit--during part of the time, the enemy's ships were firing grape and other shot upon the

detachment. That on his return to Detroit, witness was informed that there was some ordnance transported by the British on the opposite side, which he in part saw, and that there were four men in red coats---this matter he communicated to General Hull, who replied, as witness thinks, that he had heard of it---that witness asked if he knew where the artillery stopped, but the General did not know---witness expected that if he did know, they could have been dislodged by our batteries. That, an hour or two after this, G. Hull sent for the witness and informed him that intelligence had arrived that some of the enemy had landed at Hog-Island, and directed witness to proceed with some of his dragoons and endeavour to ascertain the fact---witness did so, and distinguished by means of a spy-glass, a bright bay horse, but heard that no British had crossed to the Island--that after proceeding several miles up the river, witness returned, and on his return saw fifteen or twenty men with red coats, on the opposite side of the river, employed in digging---this witness thinks was on the morning of the 14th August, and the men were at the same place where the enemy had been erecting a battery previous to the American army's crossing to Canada. That about the middle of that day General Hull sent for the witness, and stated that he had received a letter from Capt. Brush, dated at River Raisin, where he had arrived on his way to Detroit, whither he meant to proceed by a back route ; in which letter Capt. Brush, expressed a wish for a detachment to meet him---that, soon after witness had returned to Camp, an order was issued for him and Col. Cass to send one hundred and fifty men from each of their respective regiments, making 300 men, and to proceed upon that service---that in the afternoon General Hull asked the witness if he was ready to march ; witness replied he was, but, as usual, without a bit of any thing to eat---General Hull said, " The detachment must not be detained. Go on, provisions will be sent by men well acquainted with the roads you are to take." The detachment was directed to proceed to a certain point and wait for guides, which it did---the guides came, and old Col. Godefroy was one of them.



*Question by the Court*---Was it usual, when General orders were issued for sending out detachments, that those orders directed a supply of rations for any number of days?

A. None, when I was ordered on detachment.

General M'Arthur proceeded with his narrative, stating that the detachment after halting that night, proceeded on their march on the morning of the 15th, having on the preceding evening gone 24 miles from Detroit, and that many of the men were quite exhausted---that the guides were mounted, and they had five or six dragoons, some of whom were despatched to the river Huron as far as Godefrey's trading house, unless they should meet Capt. Brush, in which case they were to return with the information---they returned in the evening, not having seen any thing but Indian traits---On this a consultation was held with the officers, who considered it useless to proceed---they had heard nothing of the provisions which were to be sent after them. That the detachment then commenced their return, and after travelling half a mile towards Detroit, met some mounted men with a note from General Hull, the substance of which was that General Brock was on the opposite side of the river and had summoned the town to surrender, and ordering the detachment to return as soon as possible---one man proceeded according to orders to river Raisin. Witness then said that during the march of the detachment on its return, the rear could not keep up, and two men were put on each horse, in order to relieve them---that at night the men were permitted to lie down, and the officers stood sentinels---that on the morning of the 16th, they resumed their march, and, shortly after leaving their encampment, heard the firing of cannon, which occasioned them to hasten their march until they crossed the river Rouge---when they reached the spot of encampment on the first night from Detroit, the men were halted for refreshment, and three or four mounted dragoons (one a Frenchman) were despatched to ascertain what was the occasion of the firing---that the march was then resumed and continued until within three or four miles of Detroit, when some of the dragoons first despatched were met, who gave information that they had seen forty or fifty

Indians at the back of Detroit catching horses and killing cattle, and that they had seen some person who informed them that the fort had surrendered ; they said however that the American flag was still flying at the fort—that the detachment was then drawn up in line of battle ; that they soon heard that General Hull had agreed to surrender the fort ; and that the American colours would be hauled down at 12 o'clock.

General M'Arthur said, that, on receiving this intelligence, it was determined to make a retrograde movement of about three and a half miles on the river Rouge, about the mouth of mill creek, where an ox was killed, roasted and eaten by the men without bread or salt, being their first meal since they left Detroit, excepting some green corn. That a council of officers was held, in which some proposed a farther retreat, while others thought that by such a measure they would immediately fall a sacrifice to the Indians ; and finally it was resolved to send Capt. Mansfield with a flag to ascertain what terms were or could be made for our detachment, with a perfect understanding of the sentiments of the officers of the detachment, and with instructions to return—that a short time after captain Mansfield's departure, captain Elliot came with some Indians and a flag, and delivered a note from General Hull addressed to the witness—he also brought the articles of capitulation---Some other British officer came with some of those who accompanied captain Mansfield---captain Elliot stated that he was going on to captain Brush to inform him, and obtained a few lines from witness to him, written on the back of General Hull's letter—that the detachment then marched into Detroit, accompanied by Major's Dixon and Erbb of the Indian department---that with respect to the ammunition in fort Detroit, he recollects seeing a great many cannon balls passing about the fort, and he thinks he saw about 40 casks of powder, of about 100 lbs. each---he heard of no scarcity---the general calculation was that there were provisions for about 25 days for the army---that is public provision, independent of other provisions in the power of the army.

Here General M'Arthur's narrative was concluded, when he was examined by the members of the Court.

**Q.** How many men could your boats take over at a time ?

**A.** More than one thousand.

**Q.** What was the strength of your regiment, on the 14th August, in the morning ?

**A.** About five hundred effective.

**Q.** What was the number of provincial militia on the Canada side ?

**A.** One or two hundred.

The Court then adjourned to the next day.

*15th day, Friday 4th February, 1814.*

The Court opened as usual, all the members being present, when Brigadier General M<sup>r</sup>Arthur was cross-examined by the prisoner.

**Q.** Were you with the army at Stanton ?

**A.** I was.

**Q.** Was not the army ordered out for the purpose of manœuvring ?

**A.** My regiment was every day, I think, that we were there—the three regiments were one day out together and marched to the other end of the town.

**Q.** Did they not pass me in review ?

**A.** I do not recollect. I think I saw General Hull out in the street as we passed up and down.

**Q.** Did not the whole army turn out to receive the 4th regiment on its approach to Urbana, and was it not reviewed by General Hull in company with Governor Meigs.

**A.** I recollect seeing the General and Governor with some musicians in the street on the left, to whom the ordinary salutes were paid.

**Q.** Was not the whole army marched out of Urbana in a body for exercise ?

**A.** To my recollection, they turned out for General Hull and Governor Meigs.

**Q.** Was not General Hull in command of the army at that time ?

**A.** I believe the command was transferred to him at Dayton by Governor Meigs.

**Q.** Do you not recollect my passing the army in review, and returning in consequence of a storm ?

A. I do not recollect, but think it possible.

Q. When the army had crossed the Miami, as you have stated in your direct examination, did they not pass me in review at the village ?

A. I think I observed General Hull standing with a band of music, about thirty yards on the left of the road---I recollect being called by General Hull to take command of the army, as he was going to stay sometime in the town.

Q. Did not the army in passing the General salute him, as is usual at reviews ?

A. It is probable that the army saluted, but not as is usual at reviews, as the general was not situated as is usual at reviews.

Q. Did you salute the general as you passed ?

A. I think I did, but am not certain, as he was rather at a distance ; possibly I did.

Q. Were the men mustered on the last day of June, by my orders ?

A. I do not know whether it was by the general's orders that the men were mustered on that day, or whether it was in consequence of the standing custom to muster the men on the last day of every month, for the purpose of drawing pay. The general may have issued the order.

Q. You have stated that in passing the settlement of the river Raisin the troops went through the usual parade. Was that done by my orders, and did not the troops pass me in review ?

A. I think it was, and to the general surprise and dissatisfaction of every officer I conversed with on the subject. I think the general *was* passed in review---This was after the declaration of war.

Q. Was not the camp at Swan Creek fortified ; and if so, was not that done by my orders ?

A. It was usual to fortify the camp by falling trees around it ; a manner adopted by General Wayne, suggested and insisted upon by the commanding officers of regiments to General Hull, at the commencement of the march. I do not recollect any particular orders, but the camp was so fortified on that night.

**Q.** Did General Hull make any objection to the mode of fortification ?

**A.** I do not recollect that he did.

**Q.** Was the paper now shewn to you an order of battle at any time and when agreed upon ?

**A.** It looks like the order of march, but is not that of battle—Here the witness stated that on his direct examination he did not recollect that any order of battle had been agreed upon, at the time he alludes to, at Swan Creek ; but that upon subsequent reflection and conversation with some of the officers, he now recollects that, at the time, in addition to permission being given him to form his regiment as mentioned, an order of battle was suggested and agreed upon by the officers. This was on the evening after he obtained permission---but he does not recollect if General Hull was consulted or not.

**Q.** Did General Cass accompany the British officer to General Hull's quarters after landing near Spring Wells ?

**A.** Some time, perhaps an hour, after the boat arrived at the shore I saw the officer go to general Hull's quarters and General Cass with him, having first passed by in the boat.

**Q.** Do you know that I had any information that the British sailors were about the camp, in the manner you have mentioned ?

**A.** I do not know that the General had any information, any more than seeing them pass about his own quarters.

**Q.** Did you send me any such information ?

**A.** I did not know there were any more than those seen about the General's quarters until I heard more enquired for. I did not send any information to the General.

**Q.** You have stated that on the 14th August, the British fortified opposite Detroit. Will you state the situation of the fortifications they erected in relation to the works in which Major Dennie was left, when the army returned from Canada ?

**A.** The place where the British were at work was about one hundred yards above the place where we encamped when on the Canada side, and about half a mile from the works where Major Dennie was left when the main body of the army crossed the river on the 1st, July.

Q. Whether was there any other information received of a declaration of war, excepting what was received at Findlay's block house?

A. I do not recollect any other.

Q. Was I not always at the head of the army in passing through the wilderness?

A. I believe you were.

Q. When I had occasion to be absent, did I not give information to you, as second in command, to take the command of the army?

A. On the march I believe you did.

Q. Was I not at all times during the march, while with the army, in a situation to have ordered a disposition of the troops in case of an attack.

A. I cannot say, as I was in the rear, and understood General Hull to have been in the front.

Q. Was not the order of march reversed sometimes; which brought your regiment in front?

A. I do not remember its being so reversed, until the 4th Regiment joined us at Urbana---before that time my regiment marched in front.

Q. (By a member of the Court.) Did not General Hull arrest or threaten to arrest you, when you told him his object was to disgrace the officer detached to remain at Sandwich, to cover his own disgrace?

A. I did not hear any thing of an arrest, but confess I expected one.

Q. Had you any orders to permit the British officer to review your regiment: if not, why did you permit it?

A. I had no such orders. The officer on his return from the General's quarters was accompanied, I believe, by Capt. Hickman, the General's son in law. They stopped in front of my regiment.

The Court adjourned till the next day.

*16th day, Saturday, 5th February, 1814.*

The Court met pursuant to adjournment, when, all the members and the prisoner being present, *Brig. General*

*Lewis Cass* was again called, and was proceeding on his *direct examination*, when an objection was stated by the prisoner, and the examination of Brigadier General Cass was for the present waived by the Judge Advocate, as the introduction of the British officer into the camp near Springwells was not contained in the specifications of charges against the prisoner.

Lt. Col. Thomas B. Vanhorne, of the 26th U. S. Infantry was then sworn, and said that he belonged to the North western army, under Brigadier General Hull ; that he joined the army at Cincinnati on the 25th April, 1812 ; was a major in Colonel Findlay's regiment in the May following ; and continued with the army until the capitulation--that he was twice on detachments when at Urbana ; and was a member of the first general council of field officers, commandants of corps, the quarter-master General and the Brigade major, held in Canada about the 1st August---that when the Council was assembled, General Hull addressed them from a written paper which he held in his hand---the witness does not recollect the reasons for calling the council, excepting the situation of the army and the expectation of a great Indian force to descend from the north---he does not recollect any force at the river Raisin---he says that the General expressed his wish to keep open the communication with Ohio---that the officers differed in opinion from the General, as to the measures he was about to pursue ; as it would be necessary to recross the river with the whole or part of the army to Detroit, and to take positions with the army on the road to the river Raisin, and to build blockhouses at Brownstown---that the river Raisin, the Rapids and Brownstown were three of the points that were mentioned---there had been a block-house built a few miles from Detroit and between it and the Rapids--witness says that G. M'Arthur was of opinion that the army had better attack Malden immediately, in which opinion the officers generally concurred---It was thought that notwithstanding the Block-houses the Indians would still cut off our supplies, a descent on Malden seemed to be generally determined upon in the Council ; and the General appeared to relinquish his own plan and to fall in with the general opinion---that a question

then arose whether the army should proceed to make a descent directly on Malden, or wait two or three days for the heavy artillery already mentioned---that votes were taken, commencing with the youngest officer, and all taken except one--G. Hull, who had taken the names, rose from his seat and appeared pleased that there was a majority of officers in favour of waiting for the artillery---that witness, who kept a minute of the votes, observed to the General that the question was not decided, and that the votes were equal---Gen. Hull appeared then to count the votes, and said again that there was a majority in favour of waiting for artillery---witness again observed that there must be a mistake, as there was not a majority in favour of that--that the General then applied to Mr. Wallace, who was sitting on his left, and while that gentleman was counting the votes, General Hull observed that he had not taken the opinion of Quartermaster-general Taylor, and apologized to him for the omission---witness says that there was then a majority for waiting for the artillery. Lt. Col. Vanhorne then said that on the 4th August, he was detached with 150 riflemen and a number of militia-men who had refused to cross into Canada to meet Captain Bush on the river Raisin, coming with provisions. The instructions from General Hull to major Vanhorne were then read, dated Sandwich, 4th August, 1812, (marked G. Vanbeuren) also the General orders of the same date, from Detroit, (marked H) Lt. Col. Vanhorne then proceeded to state that pursuant to those instructions, he crossed the river to Detroit, that night, with the riflemen, and collected the militia who were to go---that when General Hull gave those instructions to him, he told the witness that although those instructions were written ones, if he found it necessary he might deviate from them---this was said, as witness believes, in presence of General Cass and Captain Hickman or Captain Hull--witness says that he proceeded with the detachment, crossed the bridge over river Ecorces and proceeded about eleven miles; then posted his sentinels and allowed his men to lie down to rest--that about day light he called the men together, having no music, and directed them to cook some provisions, while he himself went to the settlement in order



to find out the back route mentioned in his instructions, awoke the people collected all the male inhabitants, and enquired concerning the back road, when they declared they had never heard of such a road---that he then asked if one or two of them could not guide him through the woods---one of them answered that if the sun were to shine all day, he thought he might, but otherwise he might lose his course; that the country was very swampy and he thought it would be impossible to get through---that witness then sent one of those men off to General Hull at Detroit, to say, that in consequence of not finding any back road, as stated in his instructions, he would take the Brownstown road, where the General might direct the mail to follow---that while on the march he received the letter marked J.--he does not recollect whether he received it at Detroit or on the morning after, but it is in the hand writing of General Hull---that witness sent back a few men who were unable to march, and proceeded on his way, intending to make the river Raisin, and had advanced about three miles, when Capt. M'Culloch and witness's waiter were fired upon by a party of Indians, about seven in number, the former was killed---Captain M'Culloch was acting as a spy and moving about.

Q. (*By the Court.*) Had you no flanking guards?

A. There were no flanking guards---the fire took place after the detachment had passed on the road.

Witness then said that he formed his detachment into a single line, and ordered them to encircle the ground where they had just heard the firing---the left of the detachment wrenched up the corner of a fence when it received another fire from those Indians; none of the Indians were killed upon the return of the fire, but one of Captain Rostan's company was killed---witness then formed the musketry under Captain Gilchrist---moved up the remainder of the detachment and formed three sides of a hollow square, leaving the rear open while the men went to bring up the dead bodies---that about this time witness was informed that the mail was near at hand, and wished witness to wait and give it escort---that this was about 9 o'clock in the morning---that having no tools to dig graves, witness had the bodies of the slain covered with an

Indian bark and lodged near a tree---witness says that about this time the Captain, in front reported that he saw about thirty Indians, who made off upon discovering the detachment, upon which witness called the officers together, and gave directions that the orders of Captain Lewis and of Ensign Hawkswel should be obeyed as his own---that the troops were then formed, an advanced guard sent under Ensign Rolly and a rear guard under Captain Bostler---that the detachment marched in two columns in files, about thirty yards on each side of the road---that the advanced guard marched in files in two columns, and had three mounted men at the head of each column---that Captain Bostler being unwell, witness had lent his horse to him, but being apprehensive of an attack, took it back and cautioned the men to be prepared for action; that the detachment was then near Brownstown-creek; that they marched about three hundred yards, and when the advanced guard got to the edge of the creek and in a prairie, the detachment was attacked by a body of Indians who could not be seen, and whose yells only were heard: that on the first attack the Indians left behind them a small trunk and a few blankets: witness says that on this second attack being made, he ordered the detachment to retire to the edge of the wood and there form the line, as it consisted principally of riflemen---that from the number of guns discharged he supposed the enemy to be more numerous than the detachment---that it was considered that a charge would have been ineffectual, as the enemy could not be seen---that Captain Bostler was wounded in the head---that witness endeavoured to form the line, our troops constantly firing as they retreated---that the mounted men escorting the mail as well as the others went off into the woods, rendering no assistance---that witness could not get the men formed until they had retreated a quarter of a mile---that they then kept up a handsome fire for about five minutes, when the fire of the Indians totally ceased. Witness says that, seeing a copse of trees appearing in the prairie like an Island, he ordered a second retreat, and the line to be formed at the head of the Island; but that, not having any assistance from the mounted men, he could not

form the detachment : they retreated in disorder by squads. Witness says that at the first fire Captain Lucar's horse was shot—that the loss was eighteen killed and twelve wounded, and about seventy missing---that he supposes the Indian's force was from one hundred and fifty to two hundred men—that, at the time Captain M'Culloch was killed, he heard that boats had been passing all night, and it was from that concluded that about three hundred Indians must have crossed—witness then said that on his return he met Captain Snelling's detachment at Springwells, who came, as he said, to cover witness's retreat—that he reached Detroit on the evening of the 5th, when most of the missing men returned to Camp ; and that on the same evening he reported himself and his command to General Hull.

Major Vanhorne, continuing his evidence, said that he never was at more than two or three Councils, and having heard the statements of Generals M'Arthur and Cass, does not recollect any thing in addition to what they said, excepting that on the morning of the 16th of August, Colonel Findlay received a verbal order by Captain Hull to form his regiment in line, in advance, and South west of Fort Detroit, in the rear of the picket fence, with Col. Cass's regiment on the right and Major Dennie on the left, with a company of thirty waggoners and some citizens ; and that the whole force on the line amounted to between eight and nine hundred, but what the force of the Michigan militia was he could not say—that the picket fence was about seven feet high, and completely covered the men—that about an hour before the white flag was hoisted, and when the men were formed in this manner, General Hull came out during the cannonade and appeared satisfied with our position---it was then understood that the British had crossed the river---General Hull staid from three to five minutes---witness says that he saw the Indians at three quarters of a mile distance, and General Brock with some British officers on horseback communicating with them--that after this, major Snelling came out to the line and asked for Col. Findlay ; the cannonading had then ceased, and witness then, for the first time, saw the white flag on the fort--

that Major Snelling addressed himself to witness, saying, "where is Col. Findlay?" and that Col. Findlay's regiment must retire into the fort; that a flag was out and must not be violated—that Col. Findlay did not appear satisfied at this order but said it must be obeyed; and then ordered witness to march his battalion into the fort and stack arms, which was done. Witness is not certain whether or not General Hull was in the fort when he went in—he thinks Lieut. Hunt told him, as he was going in, that G. Hull had surrendered. He says that Gen. Hull desired witness and several other officers to come into a room, where he told them that he had surrendered the town and fort of Detroit, and was about making terms; and asked if they thought of or wished for any conditions—witness thinks he saw General Hull near the door of one of the rooms in the same situation that Major Snelling stated, and, from his whole appearance, was immediately impressed with the idea that he was under the influence of fear; and, at the time, communicated his thoughts to some of the other officers. Witness says that some time after General Hull invited the officers into the room, he saw Col. McDonald and Captain Glegg ride up to the fort and come into the room, but he does not know if Gen. Hull was in a marquee or not, or where the terms of capitulation were made or agreed upon—he says that the fort was very much crowded. Witness further says that about the 20th or 25th July, he was officer of the day, and when, as was customary he called on Gen. Hull for orders, he, General Hull, estimated the regular force at Malden at about two hundred, and that of the militia to have been originally about five hundred; but said that, from the best information he could obtain, it was then reduced to about two hundred and fifty, and that they were leaving them daily—the Indian force he at the same time computed at about three hundred.

*Q. (By a member of the Court.)* What was the appearance of General Hull at the time he rode out to your detachment, after the enemy had crossed. Was it firm and animating?

*A.* I think not.

## CROSS-EXAMINED BY GENERAL HULL.

**Q.** Had you not an authority to take a larger force from the troops at Detroit, on the 4th August, than you did take?

**A.** I think I had, I was authorized to take a company--- Capt. Gilchrist's Lieut. Pentz's, and Ensign Baker's men--- Capt. Gilchrist was at Sandwich when I took the command and received my instructions: I desired him to cross and draw rations—he had some difficulty in procuring them; took bread and went without the rest—Captain Gilchrist's company having been sent the day before was much fatigued; I therefore took only thirty five men, and on the next day was obliged to send back five or six, on account of their being lame and unable to march. I did not think it necessary to report this to General Hull. We never counted on having more than two thirds of the companies when ordered out upon detachments by companies, detachments and regiments.

Colonel Vanhorne corrected this by assigning a reason why the detachments could not be more complete.

**Q.** Had not the commanding officer at Detroit orders to place under your command all the militia who had refused to cross over to Canada?

**A.** I do not know for certainty, but presume not, as only three platoon officers were ordered.

**Q.** Had you not an order to take all the riflemen of the army?

**A.** I had; and did take all those of my own battalion, fit for duty, and those that were paraded by adjutants of corps.

**Q.** (To Generals M<sup>r</sup>Arthur and Cass, as well as to Col. Vanhorne)---What was the force under Major Vanhorne?

**A.** (By the same.) The whole force under Major Vanhorne was estimated at two hundred---It was a subject of much conversation at the time, and with General Hull, that the number detached was not sufficient.

**Q.** How many troops were there with the mail?

**A.** About 18 or 20 mounted men.

**Q.** Before you were attacked at Brownstown, had you sent any of your spies or reconnoitering parties forward?

**A.** I did not, because I thought it would not do to take up

so much time as to reconnoitre at every crevice or creek, having to return the next night, making the best dispositions in my power.

Q. At the time I came to Col. Findlay's regiment on the morning of the 16th, did I not go to the other forces stationed near you ?

A. It is probable ; I did not see you.

Q. How long was it after you stated to Captain Bostler that you might be attacked in a short distance, that you were actually attacked.

A. I cannot say exactly as to the time, but think it was about half an hour---we had marched about a quarter of a mile.

Q. Do you not know that on the 15th and the following night, I had undergone great fatigue : and among those indications of fear which you observed, did you observe any indications of fatigue, care and anxiety or of either of them ?

A. I do not know. General Hull was on the ground once, about 12 o'clock at night, where we (Colonel Findlay's regiment) were posted, and, I believe, once on the next morning, when the men were cooking their breakfast, and another time at the picket fence---General Hull was on horseback---He appeared dull, heavy, dispirited, and without animation---I have no doubt his anxiety added to this appearance. We had all been fatigued ; but, on comparing faces with other officers, there was an evident difference.

The Court adjourned to Monday next.

*17th day, Monday, 7th February, 1814.*

The Court met pursuant to adjournment---all the members were present---Lt. Col. Vanhorne appeared, heard the evidence read to him, and made some alterations ; upon which the Court was cleared to discuss the subject, as also to consider the propriety of putting a question to General Cass concerning the introduction of a British officer into the Camp at Springwells---The following was the question submitted to the Court, to be put to General Cass---“ By whose order he (General Cass) introduced the British officer into the

American camp at Springwells?—State particularly the circumstances attending it.”—It was decided that the question be put to General Cass—“The objection made by the prisoner, to the alteration of evidence once taken, was in the following words : “The testimony is read over to the witness, as I conceive, for these purposes—first, for the purpose of ascertaining whether the expressions he used have been written down, and secondly, to allow him to explain himself, if his meaning in any respect should be misunderstood.—If the witness admit ; or if the Court should be of opinion, that the words he used have been written, then he ought not to be permitted to change those words. But, if the witness desire to make any explanation of his language, it ought to appear as such upon the record : and, if this rule be not adhered to, a witness may vary his testimony according to impressions he may have received after his first examination. I do not mean to apply the observation to Col. Vanhorne ; but the principle may be important as respects the testimony of witnesses who may be called, upon whose veracity there may be less reliance than on Col. Vanhorne’s.”---The Court ordered “that the testimony of every witness shall be read to him on each day, as far as it has proceeded, and be approved by him ; and if any corrections take place afterwards they shall appear as such ; but, until the testimony is read to him as aforesaid, he shall have the controul of the manner in which his testimony shall be expressed.”

Brigadier General Cass was then called, and, in answer to the question above stated, said---When I returned from Malden, having been there with a flag of truce, I was brought by a Capt. Barwiss a British provincial naval officer, in a boat---Captain Hickman and Lt. Peckham were with me---when I came opposite to Springwells, I thought it improper to take the British officer into our encampment, I therefore intended to have taken him to Detroit, and then to have informed General Hull---I proceeded about a mile, or a mile and a half above Springwells, when I was overtaken by an officer, who I think, was Capt. Hull, and who stated that General Hull was at the Camp at Springwells, and directed me to return

thither---I accordingly returned to Springwells, where, on landing I remained with the British officer, and sent Captain Hickman to General Hull to know if the British officer should be introduced into the encampment---Captain Hickman returned and directed that the officer should be taken to his (the General's) quarters---whither I accordingly took him.

Gen. Cass here stated that on the 12th Inst. Col. Brush stated to witness, Colonel Findlay, Gen. M<sup>c</sup>Arthur, and, he thinks General Taylor, that General Hull told him that a capitulation would or might be necessary, and that he intended or expected to surrender the fort and town of Detroit, or words to that effect ; and it was in consequence of that information that the statement on that subject was made to Gov. Meigs. *This last evidence was given by consent*---Colonel Brush was considered by the officers generally as the most intimate and confidential friend of the General.

Major William A. Kemble of the 26th U. S. Infantry was sworn.

Witness said, that he joined the North-western army in Gen. M<sup>c</sup>Arthur's reg. on the 9th May, 1812, and continued with it to the 16th August—that on the 30th July he was sent for to attend at Gen. Hull's quarters, when the Gen. stated to him that he proposed sending a detachment to the river French, for the purpose of collecting some flour, grain and cattle, which were there—he said that he did not like the plan of detailing detachments from the whole army, and would wish for some field officer's proceeding on them with his battalion—that witness replied that he was from principle opposed to small detachments ; but that, if the General wished to send him, he would go cheerfully and voluntarily command—that Gen. Hull appeared very much pleased, and, after passing some compliments, ordered witness to prepare his battalion for a march, and to get four days provision ready, saying that witness should be accompanied by Capt. Forsyth's company and go by land—that, about the time the detachment was ready to march, witness received a written order from Gen. Hull, directing that part of the detachment should march, and part proceed by boats ;



—and that, sometime being necessary to prepare the boats, it was late in the afternoon before the troops were ready to move, when a violent storm arose which would have made it imprudent to proceed ; upon reporting which to Gen. Hull he directed witness to wait—that in the mean time there was a rumour in camp, that there was a reinforcement on its way to Malden ; witness believes it came from Gen. M'Arthur—that the service witness was ordered on was expected to occupy about six days—that after it was ascertained about the reinforcement to Malden, witness went to Gen. Hull's quarters and communicated to the Gen. the information he had received, and asked him if an attempt would be made upon Malden before he returned, saying that he did not wish to be absent when the army was engaged in so important an enterprise—that the Gen. assured him that it was not his intention that the army should march while he, the witness was absent—that witness then stated, that ten or twelve days would be required for the performance of his duty, and that a British reinforcement might arrive at Malden before the expiration of that time, and that he doubted the propriety of the measure ; he also stated to Gen. Hull that he thought that if an immediate attack were made on Malden, the country, with provisions, &c. would fall of course to us—that Gen. Hull, upon this, told him to wait for further orders. But none were given. Witness says that he recollects that, when the first council of officers commanding corps and field officers was called, (in the 1st of August, as he thinks) and when they were assembled, Gen. Hull rose and addressed them from a written paper, and stated the object for which he had called them together. He said that the fall of Mackinac, the want of co-operation from below, on the Niagara, and the information he had received respecting the hostile intentions of the Indians, induced him to ask the advice of the officers as to the course he ought to pursue in the future operations of the army. That the Gen. stated as his opinion that a small garrison should be left at a fort a little above Sandwich, called, sometimes, Fort George, and that the principal part of the army should recross the river and open the communication with Ohio, by establishing posts at Brownstown and

river Raisin---that a desultory conversation took place among the officers, in which Col. Cass and Col. M'Arthur took a principal part, the former recommending that Malden should be taken, as it would be the best way of opening a communication; not only thereby securing a communication with Ohio, but bringing the northern Indians completely in our power; while Col. M'Arthur went more particularly into detail, and endeavoured to demonstrate that if the Gen. should recross the river, it would be impossible for him to communicate with Ohio---that most of the other officers were of the same opinion with those two, excepting Capt. Dyson of the artillery and Capt. Sloane of the cavalry---that Gen. Hull said, "Gentlemen, if you determine to march to Malden, I will march at your head." That a question then arose whether they should move directly against Malden or wait some days for the heavy artillery; on which question there appeared to be a diversity of opinion---that Lt. Col. Miller then proposed a plan for attacking Malden without heavy artillery. This plan was, that a select corps, consisting of about 800 or 1000 men, including the 4th reg. which, from its having been on service, was considered, in proportion to its numbers, as the most efficient part of the army, should be formed---that this corps should be transported in boats, and proceed along the river, in the American channel, in the night, and should land before day on a beach below Malden, and there form two divisions; one of which divisions should march with the field artillery to the river Aux Canards (the enemy having maintained a picket guard there) while the other should march up the river Aux Canards to the place where Colonels M'Arthur and Cass had passed that river before, at the bridge---that the division at the bridge should commence a cannonade, which, it was expected would draw a considerable part of the enemy's force to that quarter, as it had done before; and in the mean time the first division should surprise Malden, if possible; or, if not, should take it by assault. Witness says that this plan was objected to by some of the officers, as being too complicated; and Col. Cass thought it would be best first to determine whether the army should or should not proceed without the heavy artillery.

that witness, in order to be able to form an opinion, asked Gen. Hull for a plan of the fort and the country at Malden, and its force ; to which request he replied, with some emphasis, " Sir, it is stronger than Stoney point"—an answer that did not by any means satisfy witness. Witness says that the next question proposed to the council was—" whether the army should proceed to Malden, or wait two or three days for heavy artillery, one gun being ready and the other nearly so ?" that upon this question the officers were equally divided, and Gen. Hull decided in the negative, stating a difficulty of transporting cannon from Detroit across to the Canada shore ; (the army then being at Sandwich) that witness proposed building floating batteries, one of which was done in five days—that when this was completed, he reported it to General Hull, and was referred to Capt. Dyson and Lt. Daraby—that at the time witness went to make this report he saw Col. Brush at the General's quarters, together with three young men, who had been taken prisoners and confined at Malden, and from whence, they said, they had been released on parole—one of these men was a carpenter, and had worked at Malden—that this man stated (as well as witness recollects) that the British had about 270 regulars, of whom from 200 to 220 were fit for duty, and 150 militia ; and as to Indians (of whom the British themselves could not tell the exact amount) he supposed they were from 150 to 300, and could not exceed the latter number—they also stated that when Colonels Cass and Miller had routed the British picket, they were all in confusion and preparing to embark—(this account was confirmed by the other two young men)—witness thinks Gen. Hull asked whether the British had strengthened the fort at Malden, and that the answer was in the negative.

Witness says, that on the 13th August (as he recollects) he was officer of the day at Detroit, waited on General Hull and found him and Col. Bush, sitting on the settee engaged in close conversation, rather low—that the General turned the conversation to provisions, alluding to some wheat which was then hauling in—that Col. Brush asked what quantity of public provisions there was, when the General replied, about a month's, and then asked the Col. whether the country around could not afford a sufficient quantity of provisions for the

army ; to which Col. Brush answered he thought there would be enough for two months—witness also thinks that it was on the 14th August he saw General Hull at Col. M<sup>c</sup>Arthur's marquee, with Col. Brush and other officers---that witness was about retiring but was called back by General Hull, who invited him to a seat, and asked him (in connexion with the conversation then passing, which was on the subject of the enemy's moving on the other side with their artillery)---“ What would you do”---“ Sir,” the witness replied, “ I would fire upon them”--upon which General Hull said, “ But, Sir, about the ammunition ! would it be proper to expend it under these circumstances ?

MAJOR TREMBLE CROSS-EXAMINED BY THE PRISONER

Q. What is your age ?

A. I was 27 years old on the 4th April last.

Q. Do you recollect what portion of officers disapproved of Col. Miller's plan of attack on Malden ?

A. I do not recollect, as no question was taken.

Q. Did Colonels Cass and M<sup>c</sup>Arthur object ?

A. My impression is that Col. Cass did object, on account of its being very complicated, I cannot say as to Col. M<sup>c</sup>Arthur.

Q. Was the other 24 pounder brought over from Detroit, and when ?

A. I think it was, on the 6th August.

Adjourned to the next day.

*18th day, Tuesday, 8th February, 1814.*

The Court met pursuant to adjournment, all the members being present. Captain James Dalliby, of the ordnance department, being sworn said---that he belonged to the North-western army under the command of General Hull in 1812, was at Detroit on the 16th August, and was there previous to the war---went there in 1811, and had never been absent---that he commanded the battery (the uppermost of the three batteries) in the town---he says that the following is an account of the ordnance at Detroit : viz.

9	2½	pounders,	7	mounted	2	unmounted,
8	12	do	iron	4	do	4 do
5	9	do	do	4	do	1 do (as he believes)
3	6	do	brass	mounted	on travelling carriages.	
2	4	do	do	do	do	
1	3	do	do	do	do	
1	8	1-2	Inch	howitzer,	brass	do do do
1	5	1-2	do	do	do	do do do
2	3	1-4	do	do	do	do do do
3	6	do	do	Iron on trunk wheel		

carriages in the block house at the upper end of the town.

Witness says that this was the whole of the ordnance excepting two or three small howitzers and swivels which were not reported, and that most of this ordnance, was mounted before the 8th August---witness is of opinion that there were 2500 stand of arms, in the whole, including rifles, for the army---he says that according to the returns made there were at Detroit on the day of the surrender 1400 cannon balls for 2½ pounders, about 1700 for 12 pounders, 1400 for 9 pounders, about 4000 balls for 4 and 6 pounders, about 4800 three pound balls, 290 ten inch shells [not fixt] about 500 eight inch shells, of which 100 were fixt, and about 800 five and a half inch shells, 100 of which were fixed ; a large quantity [say 4000] of 2 3-4 inch shells called hand grenades, a considerable number of which were fixed with powder and boxed. There were also, witness said, about 3 1-2 tons of lead, of which a considerable quantity had been run into balls, as much as was considered a sufficient supply for the army ; about 1800 fugees in the rough---between 2000 and 3000 priming-tubes, several hundreds of which were fixed for immediate use ; about 100,000 flints, 200 rounds of fixed ammunition for the 2½ prs. (as there were 400 rounds on the 14th) about 20 rounds of grape for the 2½ pounders ; (about 200 rounds were fired)---as before stated there were 100 rounds fixed for each of the 8 and 5 inch howitzers, about 7 having been fired, leaving the above number---witness says that about 100 rounds for each of the brass 6 pounders were sent over to Canada, of which about 80 for each were expended---that about 50 rounds were prepared for each of the 3 pounders.

and some few for the 4 pounders [say 25 each] that he does not know the quantity of ammunition or rounds of grape and cannister prepared for the 24 ; 12 and 9 pounders, as, previous to the declaration of war, the fort had been put in a state of defence, in expectation of an attack from the Indians, and, in expectation of one after the declaration, from the British and Indians ; and as the ammunition was not deemed necessary for the defence of the place, it remained untouched at the surrender--- witness says that there was a large quantity of musket and rifle cartridges prepared, as much as was deemed necessary, but he cannot fix precisely the quantity---he cannot state the exact number of barrels of powder, as a good many had been taken to fix the ammunition---he believes there were about 100 casks remaining marked from 100 to 112 lbs ; that is, including fixed and unfixed, about 10,000 lbs. He does not know exactly. He says that on the 7th or 8th August every thing was reported to be complete for service witness had charge of the laboratory in July and August, a general preparation was made by artificers under the orders the witness,---which artificers were then discharged.

The witness proceeding said that the fort lies on the highest ground in a circumference of three miles, was a regular half bastion fort, composed of 4 curtains and 4 half bastions, about 100 yards on each face, not including the half bastions ; about 75 yards being the extreme length of the curtain---that the fort was made partly of earth---the parapet eleven feet in elevation--the thickness of the top of the parapet about 12 feet, the banquet for Infantry six feet from the foundation or level of the fort, and five feet for the parapet---the whole width of the rampart at its base 26 feet---at the bottom of the exterior or slope of the parapet there was a horizontal space of ground about 2 or 3 feet in the width, extending round the whole circumference of the work, the ditch upon an average was from five to six feet deep, and at the bottom 12 feet wide, beyond the exterior or slope of the ditch anslope, or glacis, or esplanade. There was formerly a covert way, of which traces were remaining unhurt. In the bottom of the ditch round the fort there was a row of pickets of cedar, nearly new, in diameter and 11 or 12 feet high : these pickets were fast

ed together by a rib---The gate was strongly made of plank with spikes ; over the gate was a look out house, also strongly built in the fall of 1811---cannon were mounted in the embrasures, most of which were repaired and put in good order in 1811, and the fort was, generally, in good order and in good repair.

Witness says that on the morning of the 14th August he was stationed at the battery called Bartlett's wharf, and he thinks the British were erecting batteries on the opposite side, he thought that he was placed at his station to return their fire, and for the general purpose of defence, as at that time every thing bore the appearance of an attack upon the fort, that the guns at the battery commanded by witness were on a platform on the edge of the river, and were intended against shipping expected from Mackana ; they were without any parapet and were much lower than those of the enemy--That, from the position of this battery and its form and from those of the enemy, he knew that in case of an attack from them he could do them no injury, and that his own men were exposed to be swept off every five minutes ; that he therefore applied to the General for leave to build a battery in the centre of the town, and upon a level with the battery erecting by the enemy, permission for doing which was obtained ; the battery was commenced about one o'clock on the 14th, and completed, so far as to be ready for action, at the same hour on the 15th ; that on the evening of the 14th, when the workmen, after leaving off work had generally dispersed, witness remained in the battery, to which General Hull rode up ; when witness conversed with him on the propriety of driving the enemy from their works opposite the lower end of the town, which had been completed for some time---the words of witness were, ' Sir, if you will give permission, I will clear the enemy on the opposite shore from the lower batteries'---the general answered, " Mr. Dalliby I will make an agreement with the enemy, that if they will never fire on me I will never fire on them"---and concluded his answer with this sentence " Those who live in glass houses must take care how they throw stones." He then rode off. Witness says that on the morning of the 5th July, before the American army arrived at Detroit, the enemy were in erecting two batteries on the same

ground where they were seen working afterwards---that witness was then ordered by Major Whistler, who at that time commanded, to fire on them from the battery at the lower end of the town, from the 24 pounders---that he did fire upon them, which had the desired effect---that they were driven away, as they were also from the King's stores, about a mile and a half distant, from whence they were taking off flour, and about the same time the inhabitants on the opposite shore removed, and took a new road at some distance from the side of river, to keep out of the range of our shot.

Witness says that the cannonading commenced about 5 o'clock of the afternoon of the 15th and was answered by the battery he commanded as well as from the other batteries---that this cannonade commenced a short time after the return to the enemy of the flag of truce which had been sent to ask a surrender of the fort, and continued to be exchanged till about 10 o'clock at night---that the fire of the 15th was not injurious to the army, only one man having received a wound in the leg; the town was a little injured---that on the 16th the firing recommenced on both sides (first by the enemy) at break of day; during which little injury was received, to the knowledge of the witness, the fire being principally directed towards our batteries---that witness had reason to suppose and has since understood that one of the enemy's batteries was silenced, which they repaired; and about 10 o'clock on the 16th August witness received orders from Capt. Dyson in the name of General Hull, to cease firing, which orders he obeyed---that the enemy then continued their fire for 15 minutes, which they directed principally against the fort, and which they were enabled to do with precision, not being annoyed by us; and some officers and men were killed in the fort, while witness with his men were in the battery unemployed; and that soon afterwards he saw the white flag hoisted on the fort---witness says that he did not know of any musket cartridges having been damaged.

Witness says that he was at Malden in July or August 1811, and has been there since---that the fort was a regular four bastion one of earth---that the curtains were not more than pickets or palisades on three sides---th



formerly on the river side a sledge, upon which a cannon had been mounted, but none were mounted on it in 1812 when he was a prisoner, at which time he went round it to satisfy his curiosity, but found no alterations, witness says that on the south side of the fort there had been considerable alterations, and the batteries had been repaired---the pickets appeared to be old, not very strong, and in a state of decay---Witness remained three weeks after the capitulation, and no northern Indians arrived sooner than about three weeks after the capitulation, witness was at Malden at which time when there was time for them to have heard of the fall of Detroit.

CAPTAIN DALLIBY CROSS-EXAMINED BY THE PRISONER.

Q. Please to describe the whole distance of the curtain round fort Detroit?

A. Going the circumference of the fort, following the line and tracing the angles, might make a difference of 75 or 80 yards from what I before stated.

Q. You have described the state of the fort and of the preparation for defence and attack. How long before the surrender were they in the state you have described?

A. We commenced in February 7, 1812 to put it into a state of defence against the Indians, and on the 4th July it was completed: before the army arrived we had lain upon our arms for three nights, and were prepared in the day, with matches lighted. From the 4th July to the 8th August the field artillery was put in order and many improvements were made in the implements, gun carriages and ordnance stores, for the purpose of moving into Canada and attacking Malden. On the arrival of General Hull at Detroit, the greatest exertions were used to put the regiment in a state of defence.

Capt. Dalleby then stated that the battery he erected in the middle of the town was about four feet high and the embrasures were marked out---that when General Hull went to that battery on the 14th August, and was asked by the witness for permission to fire on the enemy, the word "never" was used (the witness believes, but will not positively say) by Gen. Hull, in answer to the request.—He did not understand that Gen. Hull had made an agreement with the enemy, *not to fire on each other*, but that he was willing to do it.

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**Capt. Daniel Baker of the 1st Reg. of U. S. Infantry** was then sworn.

This witness stated in evidence that he was in the army at Detroit on the 15th or 16th August under Gen. Hull and had been there for several years before, in the quartermaster's department.—There were on those two days, or ought to have been, between 5 and 600 of the Michigan militia—that he served with the volunteers from that territory at Brownstown, where their conduct was brave—witness was at the fort of Detroit until he heard of the surrender, and saw Gen. Hull in the course of the morning of the 16th when he appeared to be embarrassed and at a loss how to act—that witness cannot say what the General's feelings were, but could account for the surrender no other way than by supposing him under the influence of personal fear—witness says that he was formerly acquainted with Gen. Hull—that he was tolerably well acquainted with the resources of the army, and was satisfied in his own mind that there was a sufficiency for its subsistence for three months—witness says the fort was much crowded.

Cross-examined by Gen. Hull.

**Q.** Were there not provisions brought into that country, for the support of the inhabitants every year?

**A.** I believe there were large quantities of pork brought into that country on speculation. I am of opinion that there was plenty of cattle and grain in the country; but pork, I believe, was not raised there.

**Q.** Can you state any acts of mine, exclusive of the surrender, that were indicative of fear?

**A.** I saw the General on the morning of the 16th in a variety of postures; sometimes sitting; sometimes leaning, and sometimes standing in the fort; and his manner shewed embarrassment—once on that day the Gen. was out of the fort.

The court adjourned to the next day.

*19 Aug. Wednesday, 9th February, 1814.*

The court met pursuant to adjournment, all the members being present, when

**Lieutenant Dixon Stansbury, of the 1st Reg. of U. S. Infantry** was sworn.

The evidence of this witness was as follows—that he belonged to the N. Western army and remained with it until the capitulation—that he was at Detroit on the 15th and 16th August and commanded one of the guns in the fort on the 16th—that on the night of the 15th the Gen. lay in the piazza of the barrack and went to bed about 11 o'clock—that when witness awoke in the morning the Gen. was not there, and witness does not know when the Gen. got up—that witness also slept in the piazza of the barraek—that he saw the Gen. in a tolerably safe place---As to his being afraid, witness cannot say---witness marched from Newport in Kentucky, and commanded 28 regular troops at Detroit---He did not then belong to the 4th Reg.

Cross-examined by Gen. Hull.

Q. You stated that I went to bed on the night of the 15th Did I not lie down on a matrass, with my clothes and boots on ?

A. You did.

Q. What time did I rise at ?

A. Before day sometime.

Q. Did you not observe me in the morning of the 16th, going about in different parts of the fort ?

A. I saw you on the parade ground, but during the principal part of the time, near the gate out of the way of the fire. There was no necessity, that I saw, for your being exposed in any other part of the fort, or on the parapet, to be fired at as a target. I had my orders, and I suppose the other officers had theirs.

Q. Had you an orderly book ?

A. I had, it was taken in the vessel. I got another afterwards but never used it.

Capt. Oliver G. Burton, of the 4th Reg. U. S. Infantry, sworn.

Witness was at Detroit on the 15th and 16th in the North-western army, under Gen. Hull ; knew of the capitulation and when it took place---was in Capt. Dyson's quarters when Gen. Hull, Gen. Brock, and two or three other British officers were writing (as I was informed) the articles of capitulation ; and he firmly believes they were engaged on the

terms of it--he cannot say whether it was before or after this that the American troops were called into the fort, but at the time there was a company of British grenadiers, of about 150, standing in the fort at ordered arms, from whom they were posting their guards in and about the garrison--witness saw the officers in Capt. Dyson's quarters when a paper was handed to Gen. Brock, with some lines struck out, which witness supposes related to the regular troops returning home upon their parole--Gen. Brock agreed that the Ohio militia might return home on their parole--witness saw Col. M'Donald and Capt. Glegg writing---this was after the meeting of the officers in the marquee---witness does not recollect the names of any American officers in the room at the time, but there might have been some in it.

Cross-examined by Gen. Hull.

Q. How long before the meeting at Capt. Dyson's quarters, was the meeting between the British and American officers in the marquee?

A. I saw them at Capt. Dyson's about 11 o'clock, to the best of my recollection, and, in the marquee about 3-4 of an hour before that.

Q. Had you an orderly book?

A. I cannot say I had, after leaving the rapids of the Miami; mine having been put on board the vessel. I believe I had not.

Q. How did you receive your orders?

A. I received them sometimes verbally; at others by seeing them on paper through the adjutant.

Q. Do you know whether these interviews took place before or after any accounts were received from Cols. M'Arthur and Cass?

I think it was after that I saw Capt. Mansfield arrive with a flag from Col. M'Arthur, as was said.

Major Thomas S. Jessup, of the 19th Reg. of U. S. Infantry---sworn, and said

I was brigade Major to Gen. Hull. The army moved into Canada with from 1600 to 1800 men; which force was occasionally increased and diminished, several detachments being made. At a council of war held about the end of July

or beginning of August, I was called on to explain a report of the Brigade---this was a few days previous to leaving Canada. At that time 1800 men were, to the best of my recollection, considered as the disposable force to act against Malden, (this perhaps included the Michigan legion) leaving enough to garrison Detroit---The Michigan militia were, I believe, to be called out. Sometime on the 15th I received information that a summons was sent by Gen. Brock to surrender; and I understood that Gen. Hull had answered that he was determined to defend the place---I met Gen. Hull on horseback in the street shortly after the answer was sent, and enquired of him the disposition to be made of the troops. Gen. Hull said that the upper part of the town was to be defended by the militia under Col. Brush; that the Michigan legion and the Regt. under Col. Findlay would form a line on the back of the town, from the fort, to close with the militia under Col. Brush; while the 4th Reg. would remain at or near the forts. The Gen. said further that orders had been given to the officers. He was apprehensive that if an attack were made the Indians would attempt to turn the town. At a short distance from the town was a cornfield, said to belong to Col. Brush. I was apprehensive that, if the attack should be made, the Indians might be sheltered by this field, and proposed that the corn should be cut down---the General would not agree to this, but permitted me to examine a block-house which was in the cornfield. I found it filled with hay or some other fodder, belonging, as I understood, to Col. Brush, and not in a situation to receive troops.

After Col. Findlay's line was formed in the rear of the town I discovered that the detachments of Cols. M'Arthur and Cass's Regts. in the event of an attack from the enemy, would be much exposed, they being nearly in the rear of the fort, I therefore, proposed to Gen. Hull that they should join Col. Findlay or Col. Miller, of the 4th---he directed that they should join Col. Findlay's; and I accordingly communicated the order to Capt. Sanderson, the senior officer I found upon the ground. On my return I met Gen. Hull, who told me that he had changed his mind with respect to the disposition of those Regts. and that I might proceed upon my other

duty, as he would communicate the orders himself. Shortly after quitting the General I met Mr. Dougan, quartermaster of Colonel Findley's regiment, and went with him to Spring-Wells. We discovered a considerable British force at Sandwich, nearly opposite to Spring-Wells; one or more British vessels had anchored below, and some of them were moving up slowly: the enemy appeared to be collecting boats, and we supposed they intended to cross the river. When we were about to return, the British batteries commenced firing, which was immediately returned by our fire. This was on the 15th. On our return we passed by General Hull on horseback in the street, near the second battery—he appeared to be agitated. Mr. Dougan or I, observed that the General was frightened; and it was also observed by one of us (I do not recollect which) that "*we must cheer him up.*" We approached him and spoke to him, and noticed that he was pale and very much confused—he dismounted from his horse and led him towards the fort—The firing continued for some time after dark. I was employed posting our vidette guards. After the firing had ceased, I requested Mr. Taylor and Mr. Dougan to accompany me to Spring-Wells: we again met General Hull near a Mr. Hunt's, at the lower end of the town, and requested leave to go to Spring-Wells: the General said that he had dispatched Captain Snelling to that place with a piece of artillery, and that, if I mistake not, Captain Burton and General Taylor had gone down. He observed also, that he was about to visit the lines and wished us to accompany him—We did so, rode along the line in front of part of Col. Findley's regiment, and round the back of the fort—when we arrived in the rear of the fort we noticed that Colonels M'Arthur and Cass's regiments were still there, and Captain Sanderson observed that they were unpleasantly situated, as they were exposed to the enemy's fire, without being able to perform any kind of service.

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This was communicated to General Hull, who observed that, as the firing had ceased, there was no danger. The General then permitted Messrs. Berry and M'Dougal and myself to go Spring-Wells. We overtook Captain Snelling a short distance from them and accompanied him thither. He had, I think, a six pounder, and was very anxious to have a twenty-four pounder. It was the opinion of the other officers and myself, that with one or two twenty-four pounders, we could drive the British from their moorings: we searched immediately for a place to plant them, and discovered in an orchard a fine situation for a battery. We examined the bridges and considered it practicable to pass the cannon over them all except one, near which there was a large quantity of hewn timber. We returned and found General Taylor in the fort, who, we then learned, had also proposed taking down heavy cannon. I urged it to General Hull, who objected in the first place to the bridge, and then that the pieces were heavy and unmanageable. Some person (I think General Taylor) said that one hundred horses could be ready in a moment. I then told General Hull the result of my observation as to the bridge: he answered that it was the opinion of the superior officers of artillery, that the cannon could not be taken over the bridges, and that he would be governed by it. Captain Dyson, whom I saw standing by when I turned round, said he was prepared to obey any order. I then parted from General Hull and did not see him until a little before break of day on the 16th, by candle light, when he came to my tent and desired me to write an order to Colonel M'Arthur to take a back route, as he was apprehensive it would be dangerous to come up the river on account of the enemy. The General said he would send for ~~troops~~ and, about sunrise, a person equipped as a dragoon ~~and~~ for it. About this time the firing commenced—some ~~minutes~~ I was at breakfast with Colonel Findley when

Captain Hull came to his tent, apparently intoxicated : he attempted to communicate an order, but could not be understood ; and Colonel Findley requested me to ride to General Hull to know what the order was, as it might be of considerable importance. I found the General in the fort : he said he wished the line of battle to be formed at some distance below the fort ; directed me to order Colonel Findley's regiment and Colonels M'Arthur and Cass's detachments to be posted there ; and ordered me to consult Colonel Findley, and to tell him that he would support him immediately. The line was formed perpendicularly to the river, perhaps a quarter of a mile below the fort ; the left behind a row of high pickets ; the right, I believe was behind a common fence ; our dragoons were on the right. When the line was formed, Captain Maxwell and myself went out for the purpose of reconnoitering the enemy : we discerned them marching in column through a lane, on *their* left of which there was a number of orchards, gardens and buildings ; the fences appeared to be a picketing or stockade. I returned immediately to the fort, having requested Captain Maxwell to report to Colonel Findley the situation of the enemy.

On my arrival at the fort, I immediately reported the position of the enemy to General Hull ; observed that this would be a fit opportunity for artillery to open upon them ; and that if they attempted to form in line, our dragoons could take them in flank. The general permitted me to take out some pieces of artillery, and directed me to take command of the dragoons. Immediately after leaving the fort I met with Captain Dyson, who, I think, informed me that Lieutenant Anderson had taken out a piece of artillery. I left him and proceeded to the right, to command the dragoons who were patrolling. By the time I met with some of the officers of dragoons, I perceived that our line was breaking up, retreating to the rear, towards



the fort, by flanks of platoons or companies. I rode to Colonel Findley to inquire the reason : on my way I met an officer and inquired what was the matter : he said, " look to the fort ;" I did so, and saw a white flag flying. Colonel Findley, if I recollect right, said, he did not know why we retreated, and desired me to ride to the fort and inquire. I saw General Hull in the fort, and thought him very much frightened when I met him. I inquired of the general if it was possible we were about to surrender. He said something about the enemy's force and terms, but I could not collect what : his voice was at this time tremulous ; I mentioned that we could at least hold out till we were joined by Colonels Cass and M'Arthur. He exclaimed, " My God ! what shall I do with these women and children !" I left him, went to Colonel Findley, and stated that all was lost, and requested him to endeavor to save us. After this I did not see the general until the terms of capitulation had been agreed upon ; I then met him in a piazza before Captain Dyson's quarters ; he appeared tranquil and perfectly composed. He said that he was sorry that I had disapproved of his conduct, as he had always respected me ; that no man felt more on the occasion than he did ; and made some observation that conveyed the idea that he considered that the government had abandoned him, and he hoped that I would continue to act until the troops were marched out of the fort ; to which I replied, that I would do my duty. I then received either from General Hull, or from one of his aids, a paper containing a copy of the articles of capitulation, which I was directed to read to the troops, who were marched out by battalions about 12 o'clock, and formed in a hollow square below the fort, had the articles of capitulation read to them, and stacked their arms.

Major Jessup having continued his narrative so far, recurred to former parts of it, and stated that, when, be-

fore the capitulation, he communicated to General Hull that he had reconnoitered the enemy, witness found him in the fort on the side next the enemy's battery, completely sheltered, sitting on the side of a tent by a bed; that he then told the general, that the enemy's force was about 700 or 800, and that our guard which was most advanced had surrendered to the enemy. At this time witness thinks General Hull said that Colonel Brush told him that his men were leaving him; he also exclaimed that four men were killed at one shot, and appeared to be so much alarmed that he did not know what he was about. The tobacco-juice had fallen from his mouth upon his jacket and about his cheeks. The head of the enemy's column was at some yards distance, and a detachment of the enemy's troops came into the fort before the American troops marched out, and before the articles of capitulation were signed. No means were taken, to the knowledge of witness, to prevent the enemy from getting command of our batteries. Witness was informed that the advanced guard which had surrendered, consisted of about twelve, said to be commanded by one Godefroy, a Frenchman and a citizen.

Major Jessup stated also that, on the evening of the 15th, when he mentioned to the general that the enemy had moved with most of his forces, he observed that it would be a fine opportunity to cross over and spike the cannon; and proposed going himself with 200 men—then with 150, and then with 100 men—on which propositions several observations were made, but no permission given to the witness; whose opinion was then, and still is, that the enemy's works could have been carried with one hundred men. Witness said that, at the moment of this conversation, a shot struck a house near him, upon which General Hull was much agitated, dismounted, and led his horse to the fort. Witness did not know from what the agitation arose, but believed it was from fear, and the novelty of his situa-

tion. Whenever he saw the general before the capitulation, he was agitated ; after it he appeared composed. Witness says that the country near was of such a nature, as that, by cutting down some of the orchards in the neighborhood of the fort, and posting men in the gardens, a few men could have defended themselves against the whole British force, and that he wondered that it was not occupied on the evening of the 15th August.

Major Jessup stated also that he had received a report from different adjutants of different corps, estimating the men fit for action, and thinks that the amount (as stated in General Cass's letter) exceeded 1000 men, including the Michigan militia of 400, and the detachments absent with Colonels Cass and M'Arthur ; perhaps this estimation includes the Michigan legion, which, on an occasion when he had two companies of them under his command, behaved as well as any troops he ever saw, having formed on an island, where some fighting was expected, in the most regular manner. There were also on the evening of the 15th about 30 or 40 armed waggoners. The witness did not know the enemy's force, but his impression, from the attempt he made to count them, and from the size of their platoons and of their columns, was, that the white force was about 750, exclusive of Indians—a part of the militia force was dressed in red coats as regulars.

Major Jessup was then questioned by the Court.

Q. Did you preserve the orderly book of the brigade of which you were brigade-major ?

A. By an article of the capitulation it was given up, as forming part of the public documents, as stated by General Brock and Colonel M'Donald ; who considered orders and reports as such, and directed that they should be delivered to Lieutenant Bullock, of the 49th regiment.

Q. Did you advance, on the 16th August, to reconnoitre the enemy, by order of General Hull ?

A. I did not : I advanced entirely by order, or at the request of, Colonel Findley, who commanded our line in advance of the fort.

General Cass and Majors Tremble and Van Horne were discharged from any further attendance on the Court.

*( Adjourned to the next day. )*

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20th Day. Thursday, 10th February, 1814.

*The Court met pursuant to adjournment—all the Members present.*

*Major Jessup's examination by the Court was continued.*

Q. What were the conduct and sensations of the troops when you read the articles of capitulation to them ?

A. On the morning of the 16th the spirits of the troops seemed to be somewhat depressed ; but, upon my giving the order to form the line of battle, they were revived, and appeared desirous of meeting the enemy. When the line was retreating both officers and men appeared displeased and murmured ; and when ordered to stack their arms, after marching out, they evinced the greatest dissatisfaction and indignation.

Q. Did Colonel Brush's men leave him, as stated to you by General Hull ?

A. I believe not. I only stated that the general mentioned that Colonel Brush reported to him (the general) that his men were leaving him. I did not hear of this but through General Hull.

Q. Do you know what was the cause of the troops being low spirited on the morning of the 16th, before the line was ordered to be formed ?

A. They had been under arms the whole of the preceding night, and appeared to be of opinion that no exertions would be made to repel the enemy.

Q. While the terms of capitulation were discussing, were the troops of the U. S. so posted as to have been able to make a defence, in the event of degrading terms being insisted on by General Brock?

A. The men were crowded in the fort in the utmost disorder. The enemy's troops were permitted to approach so near the fort as to be able to take possession of the batteries.

Cross-examined by General Hull.

Q. Did you see Colonel Brush's men on the morning of the 16th?

A. I saw Colonel Brush's men after my return from reconnoitring: they were marching across the common at the back of the town.

Q. In your direct examination you have stated that your orderly book was taken—where are the manuscript orders?

A. I believe that Captains M'Cormick and Butler have the orderly book of their regiments, but do not know that they are here. Those gentlemen were adjutants to Colonels Findley and M'Arthur's regiments. The manuscript orders were given up also.

Q. Did you receive any orders from me; and how were they communicated?

A. They were generally sent by an aid-de-camp to me: upon which I assembled the adjutants of regiments at my quarters, and communicated them. I speak of the written orders and those while on march.

Q. Was there not an order of march published?

A. There was an order of march published at Dayton, or in its neighborhood: we departed from that order in our march from Urbana.

Q. Do you recollect the paper, now presented, and in the words "*Effective aggregate of the three regiments, about 700?*"

A. It is my hand-writing, and was handed by me to General Hull, on the evening of the 15th August—the waggoners of the regiments, I believe, were included in the estimate, but the 4th regiment was not : it was only what remained of Colonels Cass and M'Arthur's, and the whole of Colonel Findley's regiment, and so explained at the time. This estimate was made by me at the request of General Hull, on the evening of the 15th August.

*Captain Charles Fuller, of the 4th Regiment Infantry,  
sworn.*

This witness stated that he belonged to the North-Western army under General Hull, and was at Detroit on the 15th and 16th August, 1812—that soon after the white flag was hoisted witness went to the gate of the fort, and met Lieutenant-Colonel M'Donald and Major Glegg, of the British army, on horseback. General Hull was standing near the gate. One of them said to the general that they were sent to him by General Brock, on seeing the white flag hoisted, to receive any communications General Hull might have for General Brock, when General Hull replied, "*Gentlemen, I shall surrender. I beg you will go to the marquee in the field, where I will come or send*"—that Major Glegg requested witness to accompany him, to shew where the marquee was, as he was apprehensive the militia might fire upon him, from not knowing his business ; that witness went with them to the marquee, where they were furnished by Major Snelling with pen, ink and paper ; soon after which General Hull, Colonel Brush and Colonel Miller came to the marquee, where witness remained about ten minutes and then went to the fort—that, on his reaching the fort, he found the militia (i. e. Colonel Findley's militia) in the greatest confusion, with their arms stacked—that, after this, witness went to Captain Dyson's quarters, and saw the two British officers coming out of them. Colonel

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*Major Jeremiah Monson, 27th U.S. Regiment Infantry,  
sworn.*

Major Monson said that he was wounded before the army went into Canada, and was not reported fit for duty, nor has done any duty since the 9th or 10th July, when he was wounded ; that, knowing that Colonel Cass and Major Morrison were absent, he desired his brother, on the evening of the 15th, when the enemy's fire ceased, to take him to the ground where his regiment was posted, as well as Colonel M'Arthur's, in the rear of the fortress and in the line of the enemy's fire ; that General Hull and his aid, Major Jessup, came there—the regiments were in disorder and confusion—the sick and wounded of these detachments were situated in the ditch of the fort, whither they had gone for safety, from the place assigned to them ; that witness applied to General Hull to have them removed, and was requested, if his health would permit, to attend and arrange them as well as he could, which he did, and struck the tents, and General Hull expressed his approbation of what he had done ; that he asked the general if it would not be proper to inform Colonel Findley of the new disposition of these men, and was requested, as it was on his way to his quarters, to do it, but being exhausted, he sent word by Major Van Horne. This was between 11 and 12 o'clock at night.

Witness said that he, as well as his brother, had some business with General Hull, and went to him on the 16th, about one or two o'clock, P. M. Major Glegg came in and apologised for the firing having broken some of the windows of the general's house. The general told the witness that he could do nothing in his business till Colonel Cass arrived, and that he was expecting him every moment. He said, " I almost dread seeing the Colonel, as I expect he will censure me very much, my country will also cen-

sure me, but, under existing circumstances, I have done what my conscience directed—I have saved Detroit and the territory from the horrors of an Indian massacre.”

Cross-examined by General Hull.

Q. Were not the best men of Colonels M'Arthur and Cass's regiments sent upon the detachment under those officers?

A. I do not know; I presume so. When I formed the remainder of the two regiments, there were 30 or 40 of those invalids, who were with sufficient officers in the rear, formed as a reserve, and permitted to lie down with their blankets.

Q. What was the quality of the arms of the three Ohio regiments?

A. At the time they drew their arms, I was acting as aid to Governor Meigs, and was ordered, with a mechanic, to inspect them: many of them were condemned, and many of them proved very bad. On the day previous to my being wounded, there were considerable complaints about the arms—Colonel Cass ordered them to be examined, which was done; there were many unfit, and were replaced by some new arms, issued by order of General Hull from the arsenal at Detroit.

Q. What was the state of the arms at the time of surrender?

A. I do not know.

*(Adjourned to the next day.)*



21st Day. Friday, 11th February, 1814.

*The Court met, pursuant to adjournment—all the members present—when*

*Lieutenant Asher Philips, of the 19th Regiment United States infantry, was sworn and said*

That he was doing duty in the fourth regiment of infantry, and in the army commanded by Brigadier General Hull, and was at Detroit on the 15th and 16th August, 1812—that he saw General Hull on the morning of the latter day, but did not hear him say much; he was sitting on a tent, which was lying on the ground, with his back towards the parapet or wall, one gentleman and one lady near him—he appeared to be very much agitated, and witness then supposed that he was under the impression of fear—the gentleman who stood by the general was Doctor Cunningham, who the lady was witness did not recollect.

Q. (By General Hull). Did you not see a number of officers about me, while sitting on the tent, on the morning of the 16th?

A. There might have been; but I do not recollect. They may have been walking about, but not sitting down.

*Captain Charles Fuller was again called, and being examined by the Judge Advocate, says*

That there were some women in Captain Dyson's quarters on the morning of the 16th August, sewing up flannel cartridges. Colonel Brush's wife and the wives of some other of the officers were in the fort on that morning.

*Questions by General Hull.*

Q. Did you not see the Ohio militia (volunteers) then? State what you know of their discipline.

A. They were as well disciplined as militia usually are, and better than the Indiana militia under General Harrison.

Q. Was it in my power to prevent indiscriminate firing, when I gave orders to that effect.

A. I heard of orders being frequently given to prevent promiscuous firing, but they did not entirely suppress it.

Q. Did you never hear of a mutiny among them?

A. I heard the sentence passed upon two or three of the ringleaders. Some of the volunteers refused to march from Urbana—Captain Cook's company was sent back—There are more particulars stated in General Hull's official letter.

Q. Were there not labels posted on the trees, recommending to the men not to march? and were not some of the officers rode upon rails?

A. I heard of these things, but never saw them.

*Colonel James Miller, of the 6th Regiment United States Infantry, called and sworn.*

Colonel Miller said that he commanded the fourth regiment of United States infantry in the North-Western army under command of Gen. Hull, joined the army at Urbana and remained with it until the 16th August—that he knew nothing of an order of battle in the march from Urbana to Detroit—that there was a general understanding how they were to form in case of being attacked in the woods—this was known by his regiment, but he could not say as to the militia. Witness crossed over to Canada; was at the river Aux Canards with Colonel Cass and the detachment under his command; went with a detachment of 50 regulars and about 250 Ohio volunteers. Witness was a volunteer, by consent of General Hull, and under the command of Colonel Cass—the detachment proceeded within a mile and a half of the bridge, and then sent some men in advance, who reported that there were 50 men of the ene-

ny (25 on the bridge, and 25 on the other side of it); 40 riflemen were then detached towards the bridge, so as that the main body of the detachment might march under cover, with a determination if possible to secure those 50 men. It was expected that some guides would be procured; but, not having any acquainted with the country, the detachment shewed itself to the enemy sooner than was intended; in consequence of which they fell back from the bridge and formed the line of battle so as to prevent our cutting off their retreat. They fired three ineffectual volleys upon us and made good their retreat. The detachment took possession of the bridge; left a guard at it; and fell back with the main body to some farm houses, with the view of getting some provisions, having taken none with us.

An express was then sent to General Hull informing him of what had been done. The possession of this bridge by the enemy was a great obstacle in our way; and having now got possession of it, we presumed it would be kept. In answer to the communication General Hull sent an order for the detachment to return, as he could not think of dividing the army, and did not intend proceeding to Malden for some time. A second application was then made to the general, urging the necessity of maintaining the bridge, in answer to which General Hull sent a discretionary order on the subject. The officers were called together to advise upon the case; and it was determined that, unless we could support the bridge with our whole force, we had better return, as the enemy was very strong, in whole force, within four miles of the bridge, which was fourteen miles from our main body. Witness said that he mentioned to Col. Cass, and they agreed, that, as they had not the disposition of the whole force, they should not take the responsibility—they then left the bridge and returned to the encampment.

Witness said that on the evening of the 8th of August,

he left Detroit, having been ordered with a detachment of 600 men to go to the river Raisin, for the purpose of escorting some provisions which were under charge of Capt. Brush—that the first opposition he encountered was from a party of Indians, who fired upon his advanced guard near Maguaga—that the detachment being in the woods lightened themselves by throwing off their knapsacks with their provisions, and then advanced upon the Indians, who retreated and were pursued two miles and a half—that witness did not think it prudent to allow the men to move from the line to take up their knapsacks—that the Indians reached their main force there and made a strong opposition, but were defeated. Witness could form an opinion of the strength of the enemy only from the length of our line, and he considered the forces on each side nearly equal. He thought that by this operation, the communication with the river Raisin was completely opened. Witness sent a spy into Brownstown and understood by Captain Maxwell that the enemy had disappeared; he then returned to the field of battle to collect his dead and wounded, and encamped there for the night. Captain Maxwell was sent out the ensuing morning, and brought two or three scalps on red painted poles left by the Indians, as evidence that he had been at Brownstown. Witness said that he detached Capt. Snelling to Gen. Hull, at Detroit, to inform him of the transaction, and that we had lost the greater part of our provisions; and requesting him to send provisions with boats or waggons to carry back our wounded men; and also with a further request for a reinforcement, if he could spare it, as the men were very much fatigued and many were wounded—that Colonel M'Arthur came down the next day with 8 or 9 boats, and brought (as witness thinks) 2 barrels of flour, one barrel of pork and a part of a barrel of whiskey—that the men were very hungry, and made, witness believes, only a breakfast of this supply—that it was late in the day

Witness did not think that General Hull appeared much agitated on the 15th ; but that on the 16th, he did appear so. He [the General] was in the fort on the morning of the surrender, sometimes leaning, sometimes sitting, and at others standing ; witness cannot say whether the agitation proceeded from personal alarm, or from a consideration of the heavy responsibility in which he was involved : and he does not know whether at the time he formed any decided opinion on the subject. Witness says that General Hull after the surrender said to witness, that the enemy might perhaps take some advantage of that part of his proclamation which said that " no man taken in arms by the side of an Indian, should be taken prisoner."

*Examined by the Court.*

Q. What was your opinion, while in Canada, as to the propriety of making an attack upon Malden, either soon after the army arrived in Canada, or afterwards ?—Were you or were you not, satisfied, from the best information you had received, that an attack on Malden would be attended with success ?

A. I was always fully of opinion that we ought to have made an attack on Malden within a few days after we arrived in Canada. I never had any doubt of the success of an attack at any time.

Here an objection was made by the prisoner to the witness's opinion being asked ; which the court agreed to consider. The question was then modified so as to read as follows :

Q. Did you express in council your opinion, while in Canada, as to the propriety of making an attack on Malden, either soon after the army arrived in Canada or afterwards ? and what was that opinion, as to its propriety and probable success at that time ?

A. At the council which was called to decide the ques-

tion whether we should attack Malden immediately or wait for the artillery, I supported my opinion that we should not wait for the artillery, and suggested to General Hull that we should divide the army equally and send down one half in boats, or by a back road, to below the fort, and with the other half approach them from above, that the troops might make an united attack ; and I told the general that I would answer for my men, that they would attack the fort and not fall back in disorder. The general said that if the other commandants of regiments would answer for their men he would attack the fort. They said that they could not answer solely for their men, but had no doubts but that they would behave well. The general said he had no doubts as to the regulars, but that he had some as to the militia, who were inexperienced, against a fort.

Q. What was the strength of the 4th regiment fit for duty on the last of July or first of August, including the detachment of the first—or, from the latter part of July to the 3d or 4th August ?

A. I cannot say precisely—about 300, principally in good health ; the adjutant has some reports by him, I believe.

Q. Were the men of the 4th regiment trained to the exercise of the great guns ? and what was their force on the morning of the surrender ?

A. They were pretty well trained, having been practised by Captain Truman at Fort Independence ; there were about 250 or 260 effective for duty.

Q. Was it suggested in any council that a position near Malden would facilitate the communication to the river Raisin ?

A. I think I suggested it several times.

Q. Was there any general order given for posting the troops in different situations for the defence of the fort and town of Detroit, on or before the 16th August, 1812 ?

A. I do not recollect any written order ; there was an arrangement made the evening before. Col. Brush was to defend the upper part of the town with his men. Col. Findley was to form rather northerly of the fort. The 4th regiment was to be stationed in the fort, and the residue at the basteries. This arrangement was made by General Hull.

Q. You stated that Malden was to be attacked without waiting for cannon, as proposed by you in council, and that you gave a plan of attack ; were not both these opinions overruled by a majority in the council ?

A. Yes : it was so *proposed* in council. My plan was not submitted to the council : the only question was, should Malden be attacked without waiting for cannon or otherwise.

Adjourned to the next day.

*22d Day. Saturday, 12th February, 1814.*

*The Court met pursuant to adjournment, all the members present.*

*Colonel Miller cross-examined by General Hull.*

Q. Was I not active in forwarding the march of the army ?

A. It is my opinion that General Hull hurried the troops in their march, after he joined, as much as prudence would dictate.

Q. Were not my personal exertions actively engaged ?

A. I observed your personal exertions in the march from Urbana.

Q. Did I not, during the march, pay as much attention to the discipline and to the reviewing of the troops as their situation would admit, from their labour and fatigue in opening the country ?

A. At Urbana the troops were drilled part of an afternoon : from thence to Detroit there was no opportunity for disciplining them. The fatigue of cutting the road, with the march, was as much as they could endure.

Q. Do you not recollect the troops being called out for drill and review at Urbana, but being prevented by a storm.

A. I do not recollect.

Q. Was there not an order of march generally known to the army.

A. The order of march exhibited was that understood by me. I do not recollect whether it was to be followed by written order or not. The troops generally marched according to that order of march.

Q. Was not your regiment to form in front in case of an attack ?

A. That was my intention, but I do not know how the other regiments were to form.

Q. Was not the column to form by facing outwards, in case of an attack upon the right flank ?

A. That was generally understood, but I do not recollect any order either verbal or written. General Hull conversed with me frequently on the subject ; and I think it was communicated to the other officers also by conversation.

Q. Was not this order of march similar to the one adopted by General Wayne in passing through that country ?

A. It was, I believe, as General Hull told me it was his intention to adopt the same order. I believe this was similar.

Q. Did you not perceive me almost constantly in a situation that I could, in case of an attack, make a disposition of the army ?

A. During the greater part of the march General Hull rode near me—I was in front—he sometimes passed to the rear.



Q. Was not the paper (exhibited) the plan of encampment for the army?

A. We usually encamped in the form of a hollow square, facing outwards—the fires fifty yards without the lines of the squares.

Q. Had we not generally a breastwork of logs without the lines of the square?

A. After we had advanced so far as to be apprehensive of an attack, breastworks were generally made at such a distance as to leave room for wheeling a platoon, 20 or 30 feet in front of the line of tents.

Q. In case of alarm was not the post of each regiment designated by orders, so as that each should form in order of battle in front of its huts?

A. Yes, it was generally understood. I believe there was a verbal order from General Hull to that effect.

Q. Was there not a signal by tap of drum given by my order and at my quarters, every morning before day, which signified that the troops were to turn out and form?

A. This was the general understanding, and acted upon accordingly.

Q. Did I not use exertion and industry at Detroit to prepare the heavy and light field artillery?

A. I discovered no want of exertion in that respect.

Q. After your battle at Maguaga, what reinforcement did you want, or suggest that you wanted?

A. I think I suggested 150 or 200 men, if they could be conveniently spared.

Q. Were there no provisions to be had near the place where the battle was fought?

A. We found a number of Indians' hogs, green corn and potatoes. I know of no settlements nearer than the River Ecorces, or that of Detroit: nor of any flour or bread-stuffs.

Q. Were not the 280 men you had with you the whole, or nearly the whole, of the effective men of the 4th regiment?

A. I had almost the whole effective force, except what was left with Captain Cook in detachment under Major Dennie, on the other side of the river, in Canada; I do not recollect the number. When I speak of the 4th Regiment, I mean to include Stansberry's and M'Cabe's detachments.

Q. Were there any British troops in the fort, before you had signed the capitulation at the tent?

A. Not to my knowledge.

Q. Did you see any conduct of mine on the morning of the 16th which the fatigue I had undergone, and the responsibility which was upon me, might not have produced?

A. I don't know that I did.

Q. Can you mention any act of mine on the 16th which you did at the time, or do now, impute to cowardice or personal fear, and if so, what?

A. Yes! such an immediate surrender I think was indicative of a want of courage.

Q. Did you see me while I was in the fort in any place or situation unfit for a commanding officer?

A. The general was towards the easterly part of the fort—I was there myself—he sat down a considerable part of the time near the parapet—this was during the cannonade. I considered it a safer part of the fort.

Q. Was not my situation near the gate the most convenient for receiving communications from without the fort?

A. It was.

Q. Did Colonels M'Arthur and Cass object to your plan of attack on Malden, proposed in council?

A. I do not recollect.

Q. Were you, in council, in favour of any other mode of attack on Malden than that you proposed?

A. I voted in council for an immediate attack. After having so voted, I proposed to the general my views of attack. I did not suppose General Hull to be bound by my opinion.

Q. Do you recollect my written orders sent to you at Brownstown by Colonel M<sup>c</sup>Arthur; and that when Colonel M<sup>c</sup>Arthur went with 100 men, I would not divest you of the command, but said that if Colonel M<sup>c</sup>Arthur went with you he must go as a volunteer; otherwise that he must return?

A. I recollect something of that kind.

Q. Do you not recollect stating to me that you would not consent to be commanded by Colonels Findley, Cass, or M<sup>c</sup>Arthur, after I had received letters from the Secretary at War?

A. That I could not, and would not: as I considered that the Secretary at War had decided the question in my favour.

Q. Did I not state to you that Colonels M<sup>c</sup>Arthur, Findley and Cass had commissions as full colonels, and that your commission was only that of lieutenant-colonel?

A. You did.

Q. Please to state what you know of the mutiny at Urbana?

A. When the troops were to march from Urbana, I was requested by an express to send a company of the 4th Regiment to compel some men of the Ohio volunteers to march. They had laid down their arms and refused to march.

Q. Do you recollect my sending for you about the 7th August, in the evening, when about leaving Sandwich; and mentioning my intention of concentrating the forces at Detroit; and also my intention to send you to open the communication with River Raisin, where the provisions were?

A. I recollect your sending for me and proposing the force I was to command.

Q. Do you not recollect my shewing you some letters from Generals Hall and Porter on the Niagara frontier, stating that General Brock was advancing with a considerable force ; and that it was a reason I assigned for re-crossing ?

A. I think that you shewed me at that time letters from General Porter and from some other general, perhaps General Hall, and either stated the contents or read them ; that this was about the time the main body re-crossed ; and that General Hull stated this as a reason for re-crossing.

Q. Do you recollect at what time General M'Arthur left you ?

A. General M'Arthur left me, I think, on the afternoon of the 10th August. The men were very much fatigued.

Q. Was there not a severe storm of rain on the 9th, after the action ; and were not your men much exposed to it ?

A. The men were very much so, and fatigued. I had a relapse of the ague the day after the battle.

Q. Were you and your men in a situation to have proceeded ?

A. Neither myself nor men were in as good a situation as we had been in ; but we were able to proceed, and should have proceeded, if we had not been ordered back.

Q. State at what time you received the order to return, and why you did not proceed on the 11th ?

A. Because I had no provisions. I have stated when I received the order.

Q. Did you not draw provisions at Detroit ?

A. We took two days' provisions, which served for the 9th and 10th.

Re-examined by the Court.

Q. When General Hull informed you of his intention

to concentrate his force at Detroit, as you have mentioned, did he merely state his intention, or did he ask your opinion on the measure ; and if he asked your opinion, what was it ?

A. We conversed freely on the subject some days before the army moved, and I believe he asked my opinion. It was, not to re-cross ; but, if he did, to leave one-half of the army on the Canada side.

Q. At what time did you leave the fort to go to the tent ? at what time did you return ; and when did you see the British troops in possession of the fort ?

A. I went out of the fort between 10 and 11 o'clock ; returned in about three-quarters of an hour ; and saw about 100 British troops near the gate on the outside.

Q. When General Hull ordered you to the tent to assist in drawing up the articles of Capitulation, did he give you any directions to stipulate for the protection of such Canadians as had availed themselves of his proclamation ?

A. I do not know that he did.

Q. Did any essential injury result to the service from the rank of the field officers not being settled ; and did they not act at all times together when required so to do ? If not, state the cases.

A. I do not recollect any movements being made when it was an impediment. General Cass and I went together most : sometimes he commanded ; at others I did. I was on good terms with all the colonels. I thought I ought to rank above them.

Q. When you returned to the fort from the tent, had the American troops stacked or thrown down their arms : and was the fort at this time so crowded as not to admit of their acting with effect ?

A. I think they had stacked their arms ; and the fort was so crowded that they could not all have acted together with effect.

Re-examined by General Hull.

Q. Do you recollect that when I left you at the tent with the British officers, I told you I was willing to make the surrender the basis of a treaty, and that you must get the best terms you could?

A. I think you did.

Q. Did I not state to you as a reason for sending a flag, that I wished, in obtaining a cessation of hostilities, to gain time, in hopes of hearing from Colonels M'Arthur and Cass?

A. I think you had a conversation with me on that subject when the flag went out, and before we had any answer from the enemy.

Captain James Dalliby was again called to be examined by the Court, when General Hull made the following objection—

“ I object to the examination of any witness after his testimony has been closed, and after he has been permitted to hear the examination of other witnesses.”

To consider which the Court was cleared.—The Court after due deliberation overruled the objection. The Court being opened, Captain Dalliby was examined.

Q. At what time did you receive directions from General Hull (after the army arrived at Detroit) to make preparations for fixing ammunition, making or repairing the gun carriages, and, generally, any preparation either for attacking the enemy or for the defence of Detroit?

A. As I have before stated, no alterations of great consequence were made at Detroit for its defence after the 4th July. On the 6th July some artificers who came from Ohio went to work to mount some heavy cannon on trucks for the batteries on the banks of Detroit; and some repairs were made to the gun carriages for the three brass six-pounders; and a small quantity of ammunition was fixed; but no order was issued, to my knowledge, to prepare the

heavy ordnance until some time after the army went into Canada. I have not the order, but I think it was dated the 15th or 16th July.

*(The Court adjourned until Monday, 21st Feb.)*

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*23d Day. Monday, 21st February, 1814.*

The Court met, pursuant to adjournment; but General Dearborn and Colonels Fenwick and Bogardus being absent, (the two former through indisposition) the Court thought proper to adjourn until Wednesday morning, at half-past 10 o'clock.

*24th Day. Wednesday, 23d Feb. 1814.*

The Court met pursuant to adjournment, when, all the members being present, excepting Colonel Bogardus, the Court was cleared for the purpose of discussing some questions relative to the absence of that officer; and was afterwards adjourned till Monday the 28th inst. at half-past 10 o'clock.

*25th Day. Monday, 28th Feb. 1814.*

The Court met pursuant to adjournment, when all the members were present, excepting Colonel Bogardus: in consequence of whose non-attendance the Court adjourned until to-morrow at 11 o'clock.

*26th Day. Tuesday, 1st March, 1814.*

The Court met pursuant to adjournment, Colonel Bogardus, one of the members, being still absent—General Hull, after consenting to the Court's proceeding without

Colonel Bogardus, and that it should be at liberty to take such further order as it might think proper, entered upon his defence, and read several documents, for which see Appendix.

*Lieutenant Jonah Bacon, of the 4th Regiment U. S. Infantry, sworn.*

Lieutenant Bacon said that he was Quartermaster of the 4th Regiment, and joined it at Urbana on the 9th June—that, after the march commenced, he had charge of the ammunition of the whole army—that, so far as his experience enabled him to judge, the march was conducted in the same manner as the march on the Wabash expedition was conducted, except that when encamped they were fortified by felling trees in the form of a breastwork in a square, according to the state of the ground—that, in two or three days after the march had commenced, orders were given that no fires should be made after sundown within the lines, but at a certain distance in front—that Captain Mansfield had at first charge of the ammunition, but that that charge was delivered to witness after two or three days' march—that, as soon as witness saw the cartridges, he thought them unfit for service, as the string was tied over the swell of the balls, so that they could not be prevented from falling out in seven instances out of eight—that at Solomon's Town, General Hull directed better cartridges to be prepared, in which service men were employed daily, as opportunity served—that, when the first battalion of the 4th Regiment was ordered to cross the river, witness was encamped with them on the esplanade, and heard General Hull give frequent orders, after the army had crossed into Canada, to Captain Thorpe who had charge of the artificers; that Colonel Miller had charge of the 4th Regiment at the same time; that 20 men were detailed at Detroit for several days previous to the capitula-

Q



tion to make cartridges for the infantry at large ; that Captain Dalliby had no charge of the musket cartridges at this time, that the witness has any knowledge of—he did not interfere with the witness : that he does not recollect the quantity of cartridges made, but thinks about 106,000, and all under the direction of the witness, exclusive of those brought from Urbana and those at Detroit when the army arrived there ; that he does not recollect whether the men had worms to draw their cartridges or not, but many were drawn ; that they were fired off by the Ohio volunteers on their return from guard or detachment, as many were issued, almost as fast as they were made, on some days ; that witness reported this fact to General Hull ; that many of the covers of the cartouch boxes were insufficient to protect the cartridges from the weather, and many were consequently damaged by it ; that witness was employed sometime on the 15th and 16th during the cannonade, in issuing fixed ammunition, in the place of Captain Dalliby, and delivered some 24lb. cartridges several times ; that on the morning of the 16th, before day, witness informed General Hull that the 24lb. cartridges were nearly expended ; that Mr. McComb and witness examined with a dark lantern, and could find no more packed in the same kind of boxes ; that there was much confusion ; that General Hull gave witness directions to go to Captain Dyson and tell him not to fire the 24lb. cartridges, unless he was pretty sure of their taking effect and annoying the enemy's batteries, as those cartridges were nearly expended.

(Here Col. James Miller was again called and examined by Gen. Hull.)

Q. Did not Colonel Brush come up to the fort on the morning of the 16th, about the time I was informed that Knagg's men had joined the enemy ; and what did he say about the militia he commanded ?

A. After the flag had been sent out, and before any an-

swer had been returned to it, I recollect that Colonel Brush came to the fort and mentioned, or rather exclaimed, that by G—d, he believed his men would have run away to a man.

Q. Do you recollect at any time during the campaign, and before the 15th and 16th, any particular habit I had of chewing tobacco?

A. I had very frequently seen it, and observed that you had a habit, when apparently engaged, of having tobacco in front of your mouth, and turning it about with your fingers; alternately exchanging the quid from the fingers to the mouth.

Q. Did you not observe this on the 15th and 16th?

A. I did on the 16th; I do not recollect particularly on the 15th.

Q. Did there appear to be any more of this habit on the 16th than you usually observed?

A. There was, but it might have been owing to want of rest and to fatigue.

*(The Court adjourned until to-morrow at half-past 10 o'clock, A. M.)*

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27th Day. Wednesday, 2d March, 1814.

*The Court met pursuant to adjournment, all the members being present excepting Colonel Bogardus.*

Lieutenant Bacon's examination was continued.

He stated, that he frequently took powder from the magazine to fill cartridges, and that, three or four days before the surrender, he was directed by General Hull to accompany Captain Dyson and ascertain what quantity of powder there was in the magazine; which he did, and they found 42 casks of from 107 to 112lbs. which was reported.

to the general. He cannot say what quantity of musket cartridges there was, as Captains Dyson, Whistler and himself issued them. Witness saw General Hull on the 15th and 16th August—there were some planks and boards lying between the guard house and the gate of the fort, but witness cannot say whether any of them formed a seat or not ; he thinks he saw General Hull sitting on them, together with some officers, Doctor Cunningham and his lady, on the morning of the 16th, during the cannonade. Witness saw General Hull once on the 15th on the parapet, and once on the 16th ; he saw him also in different parts of the fort during the cannonade. General Hull appeared engaged as usual, and agitated more than usual, on the morning of the 16th, but witness does not know the cause—he had no suspicion that it proceeded from personal fear ; neither did he hear any officers at the time express an opinion that it did. Witness says that, after the shot from the enemy did any execution, most of the officers were on the side next the enemy's battery—they had nothing to do elsewhere. Witness said that, as to the subordination and discipline of the Ohio militia, they were militia without either—some were frequently disorderly—and that, one evening at Urbana there was a noise, when he (witness) ran out to enquire the cause, and saw some men of his regiment, who said it was only some of the Ohio militia riding one of their officers on a rail.

Lieutenant Bacon was cross-examined by the Judge Advocate, and stated, that the Ohio militia had been just called into the field, and were as well disciplined as militia generally are ; that he never was in any engagement with them during the campaign ; that he does not recollect seeing more than 30 or 40 of them, who at one time, refused to cross into Canada with the army ; and that he thinks he saw at another time 100 ; that, when the troops left Urbana, Captain Hull, as aid-de-camp, informed Colonel

Miller that there was another mutiny among the Ohio militia ; and gave him an order from General Hull to keep back his regiment (the 4th) to suppress it ; that the general soon after rode up to the head of the column and directed Colonel Miller to march in, saying, with some emphasis, " By G—d, Sir, your regiment is a powerful argument. Without it I could not march these volunteers to Detroit ;" that Captain Mansfield's, Captain Brown's companies, and some others, were under better discipline than the rest ; that the feeling and disposition of the men were generally very good ; that they seemed to be actuated by an enthusiasm highly creditable, and what witness said respecting their want of discipline and subordination, he attributes to no other cause than want of experience. Witness in answer to the cross-examination then stated, that the cannonade began about 4 o'clock in the afternoon ; that they continued to throw shells till between 9 and 10 o'clock at night, during which time witness was in the fort and saw General Hull on the parapet, but does not know how long he remained there ; that he was saying something about the field pieces that were getting up ; that this was after the firing had ceased ; that the fire of the enemy was principally directed at the battery, which was upwards of 200 yards from the fort—one shell came into the fort ; that the cannonading recommenced about day-break on the 16th, and wounded a man ; that witness saw General Hull on the parapet, looking towards the enemy ; and thinks there was firing at the fort before the American battery ceased firing.

#### Cross-examined by the Court.

Witness says it was early in the morning that General Hull was on the parapet, and before the shot killed Lieutenant Hacoks ; that General Hull ordered him, (the witness) to have the tap of the drum beaten at day-break, to

turn out the men to man the works, which was done ; that there was some fixed ammunition for the cannon in the fort besides what was reported, but he cannot say how much—it was under charge of Lieutenant Dalliby ; that the men were taken off from making cartridges, to march to Brownstown under Colonel Miller.

Q. (By Gen. Hull.) Was I not during the cannonade on the 15th and 16th, the principal part of the time, out of the fort, at the batteries and with the troops ?

A. I cannot say.

Q. (By the Court.) At the time you saw General Hull at the parapet of the fort, did you observe any of the enemy's shot to come near the fort ?

A. I think not.

Here General Hull wished to put a question, relative to Major Snelling's testimony as to the British force coming against Detroit, which, after some discussion, was waved.

*General Peter B. Porter sworn.*

General Porter stated that, about the last of March or beginning of April, 1812, he was at the office of the Secretary at War with General Hull, after he had been appointed a Brigadier-General, and about the time he was to march to Detroit ; that he was frequently with the heads of departments, and had conversations as to the operations of the army, in case war should be declared, which was in contemplation.

General Porter was then examined by General Hull.

Q. Do you recollect whether I recommended that a navy should be formed on the lakes, to have a superiority over the British in case of war ?

A. I do.

Q. Did I state what that force should be, under those circumstances, and what number of men it should consist of ?

A. I recollect being at the war office, but not precisely the force proposed. The British force was stated.—I think the naval force which General Hull said should be constructed was a sloop of war of twenty guns, and that the brig Adams, a merchant vessel, which was then on the ways for repairs, should be taken into the service—the Secretary of the Navy proposed writing to Captain Stewart at Philadelphia to repair to Washington to concert measures.

Q. Was not a navy-agent appointed at that time for Lake Erie ?

A. There was—I was twice at the President's with Gen. Hull, when the subject of a navy was talked over : at first it was agreed to have one; but afterwards it was agreed to abandon it, doubtless as inexpedient : the brig Adams was transferred by the Secretary at War to the Secretary of the Navy.

Q. Did I not go twice with you to the President's, to urge the expediency of a naval force on Lake Erie, in case of war?

A. I understood so.

Q. Did I not state to the Secretary at War that 3000 men would be necessary ?

A. General Hull talked of provisions and the mode of supplying them, and then proposed 3000 men ; the Secretary replied that there would not be so many ; perhaps 2000.

Q. Please to mention what was said and done with regard to provisions.

A. I wished my brother, the contractor, to have some official notice of the necessary supplies for the army, that they might be prepared ; and requested the Secretary to transmit some written requisition to that effect ; this the Secretary declined, saying he would not. Upon this I was somewhat surprised and vexed, and retired, determining

to write to my brother, which I did. I left Washington on my way home, and at New-York heard from my brother, and wrote to the Secretary at War, who, in consequence of my expostulating with him, sent on a written requisition. In consequence of adverse winds the principal part of the provisions did not reach Detroit until after the war was declared.

*Captain Thomson Maxwell sworn.*

This witness stated that he joined the North-Western army as, a guide and conductor of spies, at Stanton on the Miami; that he is well acquainted with the country from thence towards Detroit, about 150 miles of which route is a complete wilderness; there never had been a road cut through it—it was a swamp. He said, “I served five years in the French war as a private, some years as a non-commissioned officer; six years as an ensign and lieutenant in the Revolutionary war, and afterwards under General Wilkinson; and have been in 23 battles in the three wars. I saw General Hull on the 15th August, and after the cannonade commenced from our battery at Detroit: not having any thing to do, I went to the battery commanded by Captain Anderson, to see what effect our balls had upon the enemy. I saw General Hull riding on horseback, and cast my eye upon his countenance; his voice appeared cool and collected; I saw him ride off. This was towards evening, when the batteries were opened on both sides. I saw nothing like agitation. My reason for looking particularly at the general’s countenance was, because there was a clamour that he was intimidated.”—“General Hull conducted the army from Urbana with as much regularity and caution as I have ever seen practised.”—“I have lived thirteen years in Ohio, and have been engaged every year in driving cattle and hogs from thence to Detroit market; from 1000 to 1500 hogs annually, from 150 to 200lbs. weight each

(on a rough calculation ;) and from 150 to 200 head of cattle—they were generally driven through the woods without any road.”—“ I am at present 72 years of age, and am a forage-master in General Wilkinson’s army.”

The following documents were then read :

1. Interrogatories to, and answers from, Dr. Eustace, late Secretary at War.
2. Letter from Gen. Hull, from Detroit, dated 9th August, 1812.
3. Letter from do. to Gov. Meigs, dated 11th July, 1812.
4. Letter from do. to Col. Wells, dated 11th August, 1812.
5. Letter from do. to Gov. Meigs, dated 11th August, 1812.
6. Letter to Capt. Brush, dated 6th August, 1812.
7. Letter to Gen. Hull, from Col. Anderson, commanding the militia at River Raisin, dated 4th August, 1812, received the 12th of the same month.
8. Letter from Gen. Hull, to the Secretary at War, dated 8th August, 1812.

Captain Maxwell, again called by Gen. Hull.

Said that he saw General Hull for the first time at Trenton, on the 26th Dec. 1776, and at Princeton on the 2d Jan. 1777 ; believes he was a major—and saw him again after the army had been driven from Ticonderoga, and while at Beemer-heights, on the 19th Sept. 1777—he was then in action : he saw him again on the 7th Oct. when the enemy were driven. Witness was then in Colonel Hall’s regiment from New-Hampshire. Witness never heard his (General Hull’s) character impeached during his life (meaning during the Revolutionary War.)

R



*Lieutenant Lewis Peckham, of the 4th Regiment U. S. Infantry, was called and sworn.*

Lieutenant Peckham said that he was in the fort of Detroit on the 16th August, 1812, and recollects speaking to Colonel Miller, who was within a few feet of General Hull, but does not recollect speaking to the general; that he told Colonel Miller he thought it would be well to spike the guns of the batteries which were silenced, lest they should be turned against the Fort of Detroit; that he recollects General Hull saying, "*are they coming?*" but does not know General Hull was informed that the enemy were coming.

*(The Court adjourned until to-morrow at 10 o'clock.)*

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28th Day. Thursday, 3d March, 1814.

*The Court met pursuant to adjournment, all the members being present, Colonel Bogardus excepted.*

Lieutenant Peckham was again called, and said, "I saw General Hull frequently at Detroit, on the 15th and 16th August; and on the 16th, during the cannonade, he appeared to me to be much agitated; and the impression made upon my mind was, that he was under the influence of personal fear. He gave no orders, to my knowledge."

*Major Jeremiah Munson called and sworn.*

Major Munson, in reply to several questions put to him by General Hull, said, "I was present at a council of war held at Sandwich—General Hull read from a paper he held what were considered as his views of the course proper to be pursued at that time;—the general remarked considerably on the fall of Mackana, and on his not having received any information on the subject of co-operation from below ;

—there was a fortress erecting at Sandwich, I believe for the protection of the inhabitants. The leading features of the proposition committed to writing by General Hull, and made by him to the council, were, I believe, to re-cross the river with the main body of the army—to erect a fortress at Brownstown—to open the communication with Ohio—and wait for reinforcements. I recollect that the council were unanimous, with the exception of one or two, or perhaps more, in not adopting the general's proposition. General Hull stated that in his opinion Fort Malden was equal in strength to Stoney Point, when taken by General Wayne; that he had no heavy artillery mounted at that time; and that his opinion was, that it might be attacked in the same way, that is, at the point of the bayonet; and appealed to the officers for their confidence in the troops for such an enterprize. My own opinion was, that the troops were not generally calculated for that kind of service. I do not recollect the opinion of the other officers, excepting Major Tremble, who had confidence in the troops under Colonel M<sup>r</sup>Arthur, and expressed himself accordingly. The result of the council was, that they should wait several days for heavy cannon to be mounted and placed on floating batteries—scouring the river—opening the communication by land, and trying the strength of the enemy's works. General Hull accompanied his propositions with the promise to lead them on to the attack, if they had confidence in their troops."

Q. (By General Hull.) Did you not see me on the 15th and 16th; and did you observe me in such situations as could not be accounted for otherwise than by personal fear?

A. The general's situation was a critical one. He had a great deal of responsibility, and great care on his mind if he had any feelings. I saw nothing in his conduct but what might be accounted for without recurring to personal fear.

Examined by the Court.

" I was present at the time when Captain Dalliby requested leave of General Hull to fire on the enemy. The general replied, " Those who live in glass houses should not throw stones first ;" alluding to the general's situation. I heard something said about, "*If the enemy would let me alone, I would let them alone.*"

Q. Did you see General Hull during the attack on the fort, about the time the officers were killed?

A. I went into the fort, about 15 minutes after Doctor Reynolds was wounded. I saw General Hull at that time, as I before stated.

Q. When you speak of General Hull's situation, do you allude to what passed during the attack on the fort, or after the firing had ceased?

A. I did not see General Hull until after the cannonade had ceased.

Lieutenant Bacon again called, and examined by Gen. Hull.

Said that on the 8th August he drew two days' provisions in advance for the detachment under Colonel Miller ; and that he drew provisions for detachments of the 4th Regiment, by orders, sometimes general, sometimes from the colonel—those orders were sometimes accompanied by directions to have them cooked.

Colonel Kingsbury's Affidavit was taken by consent, and read. (See Documents.)

*Captain Samuel Dyson, 1st Artillery, sworn.*

Captain Samuel Dyson said, I think General Hull gave orders, three or four days after his arrival at Detroit, to put in order, repair, and mount the heavy artillery, and that he made use of all the means in his power that circumstances admitted of—several artificers who did not be-

long to the army were employed in this work. I had charge, myself, of those things. In the short time allowed every thing was done that could be done. Some of the embrazures might have been repaired. I crossed the river with the army and in five or six days returned and took the direction of repairing guns, made a gin and the rope for a fall. I do not think more could have been done without more hands. The carriages (for howitzers) were broke in an experiment; they had been returned unfit for service a year before—we had to make new ones. Two bridges over Turkey-Creek and River Aux Canards were taken away by the enemy—the rivers could not be passed. The road from Turkey-Creek to River Aux Canards was so marshy that cannon could not be transported by land. I was at a council of war held at Sandwich in August. I commanded the batteries on the 15th and 16th, and recollect seeing General Hull pass my battery on the 16th, on horseback, before day: I perceived nothing unusual in his voice—this was before the cannonade. I was directed on the morning of the 16th not to fire so fast, but no reason was assigned. Our firing seemed to have very little effect; their ground was higher than ours. I believe we dismounted one of their pieces.

Cross-examined by the Judge Advocate.

Witness says that the expression, "*I am willing to obey any order,*" was made use of at the time an application was made by Major Jessup to General Hull for a 24 pounder to take to Spring Wells. General Hull asked witness if it could be taken down; he replied, it is doubtful, but "*I am willing to obey any order.*" Witness says that the enemy's batteries had very little effect on the American; that there were 200 rounds each for the two 24 pounders, which were intended to be taken to Malden; that 7 or 8 waggons were loaded with ball and ammunition at the time of the surren-

der ; that at the time the enemy were erecting their batteries, they were not disturbed ; that one of those batteries was a mortar battery, and was built under cover of a wooden house ; that he, witness, was in command at Detroit from 1805 to 1808 ; that a great number of cattle and hogs were driven thither from Ohio ; that the contractors got the principal part of their pork by that means ; that the inhabitants could buy cheaper than they could raise them, and there was not enough raised to subsist the inhabitants ; that the Canadian people were not industrious in cultivating their farms ; that the enemy might have been prevented from working at their batteries in the day time ; that he supposes the ammunition would have lasted for two or three days, constant firing ; that there were 56 barrels of powder and plenty of ball, which were taken by order of General Brock ; that he, witness, did not see Lieutenant Bacon on the 16th, and he received no order from General Hull not to fire unless with effect ; that he cannot say what number of 24lb. cartridges there were ; there were fifty rounds for each gun, of 9lb. and 12lb. of canister shot ; that he does not know whether the 24lb. cartridges were taken from the waggons ; that he thinks there were 100 rounds of 24lb. cartridges ; that the boxes of ammunition which were in the waggons were not touched ; that the ammunition used at the batteries was taken from a brick store, where it was put, and from thence taken away as the service required.

*Willis Silliman was sworn.*

Witness says that he lives in the same township with General Cass, (Zanesville, in Ohio) and corresponded with General Cass during the campaign ; that he gave the first intelligence to Mrs. Cass of the fate of the U. S. army, and could not get the letter from her ; that he is brother-in-law to General Cass by marriage with his sister ; that

he has lost the letters from General Cass to him (the witness;) that one of them, the last, dated (he believes) the 12th August, 1812, says, "Our situation is become critical. If things get worse, you will have a letter from me giving you a particular statement of this business—as bad as you may think of our situation, it is still worse than you believe—I cannot descend into particulars, for fear this should fall into the hands of the enemy." Witness says that he had another letter, he thinks of the 3d August, saying, "I wish you to exert your individual exertions to hasten the march of the troops from your parts." (Ohio) "Men are (or will) become necessary for (general or) offensive operations—(witness does not know which term) Provisions are (or will become) necessary for their existence," (or that of the troops;) that in some letters from General Cass to witness, he said "Is there nothing to be done on the lakes to make a diversion in our favour?" In the same, or another, he says, "I can scarcely conceive the impression made by the fall of Mackana."

*Peter Mills duly sworn.*

Says, that he is from Zanesville, in the state of Ohio; that he heard some of the letters from General Cass to Mr. Silliman read; and that they confirm the statement made by Mr. Silliman to the court.

*Daniel Conyers, of Zanesville, sworn.*

Confirms in part the statement of Mr. Mills.

*Willis Silliman again examined.*

Says that he received a letter from General Cass, from Urbana, dated about the time General Hull took command of the army, which letter witness was directed to burn. It stated "General Hull has taken command of the army;

and I am sorry to say to you, that, instead of having an able energetic commander, we have a weak old man."

*Col. Samuel Larned, of the 9th Regiment U.S. Infantry, sworn.*

Colonel Larned said, "I was acquainted with General Hull during the Revolution, and never heard of any thing which placed him beneath any officer. His character was good.

*(Adjourned until to-morrow at 10 o'clock.)*

29th Day. Friday, 4th March, 1814.

*The Court met pursuant to adjournment—all the members present, excepting Colonel Bogardus.*

General Hull read a letter, dated Fort William, on Lake Superior, 19th July, 1812, from K. M'Kenzie, to Duncan M'Intosh, agent to the North-Western Company. (See Appendix.)

*Gen. William North called and sworn.*

Gen. North said that he was Captain and Inspector-General to the army of the U. S. and aid to Baron Steuben, and afterwards Inspector to the same army; that Gen. Hull's character in the army was that of an active intelligent officer; that the witness's situation in the army gave him an opportunity of knowing all the officers; and that General Hull always did his duty.

*Col. Robert Troup was sworn.*

Said that he was a Lieutenant in one of the New-York

In 1777 I knew him as a Major—his character stood in cardinal points ; intelligent, brave, active, and enterprising. —I knew him afterwards as Lieutenant-Colonel. He was in 1778 selected by me to command on the lines, when the service required a man of the first talents : he conducted himself highly to the satisfaction of the general and of every one. He remained until the enemy came with a large force and he was ordered to retire.

*Lieutenant Aaron William Forbush, 1st Artillery, called  
by General Hull, sworn.: Sworn.*

Q. Were you in the vessel that went from the Rapids to Detroit ?

A. I went in the vessel from the Rapids on the 1st of July.

Q. Did you know of any directions being given by me ?

A. On the morning of the 1st of July, Doctor Edwards, principal surgeon, was directed to take the chief part of the hospital stores, and as many of the men most sick as the vessel could carry. I was, a short time afterwards, in General Hull's tent with Dr. Edwards—Captain Chapin was there : General Hull recommended him to go by the American, (or western) channel. Captain Chapin did not consider that there was any danger—there was no positive order. Captain Chapin told the general that the (western) channel was very difficult ; that the wind was fair, and as he had been at Malden the day before, he did not apprehend any danger of capture. The Hunter and Charlotte were in the channel ; the Hunter got under way ; when we got to the point, I asked the captain why he did not take the Detroit side. He said that the wind was fair, it blew fresh, and there was no order. There was no apprehension of danger from capture entertained either by myself or by any other person on board. I, for myself, did not think there could be any, as I had heard a few days before of the arrival of



*Colonel Joseph Watson called by Gen. Hull, and sworn.*

Q. Were you in the Revenue Department?

A. I was Lieutenant-Colonel in the Michigan militia, Aid to the Commander in Chief of the Territory, and, in the Revenue Department at Detroit—I knew the Squypoga packet, Captain Chapin.

Q. Was there not a channel west of Bois-blanc Island for that packet?

A. There was a channel between Gros Isle and the American shore.

Q. Did you take a census in 1810; and what was the number of inhabitants in Michigan?

1650 A. I did. There were 4762 souls, including the district of Detroit, 165 souls; and that of Michilimakanac, 615.

Q. How were they situated as to local situation, and their distance from Detroit?

A. The settlements in that country are generally made on the navigable waters.

Q. What number were on the River St. Clair and the Huron district

A. The Huron district, consisting of the Lake and River St. Clair and Huron of the Lake, 580.

Q. What number in the District of Detroit?

A. That district extended 15 miles northward to Milk River, and southerly 22 miles, and contained, including the garrison, 2227 souls.

Q. What number on the River Raisin and Erie?

A. The district of Erie contained 1340. This was in an extent from the Miami of the Lake to the southerly boundary of the Detroit, near the River Huron of the Lake.

Q. How long have you lived at Detroit, and in the Territory of Michigan?

A. I was six years and sixteen days, to the time of the surrender.

Q. Did you not, in taking the census, go to every house, and inquire as to the products of the country?

A. I endeavoured, at the request of General Hull, the Governor of the Territory, to get it from the heads of families in the district of Detroit, and by estimate from the other districts.

Q. Did the district produce sufficient for the consumption of the inhabitants?

A. There are great quantities of flour and whiskey brought from New-York and Pennsylvania; and of cattle and hogs from Ohio—these last are purchased by the inhabitants for their consumption, and, in times of peace, they are also purchased by British agents and carried to Malden—the cattle and hogs were consumed by the inhabitants.

Q. Were you with the Michigan militia under Colonel Brush, at the north-east gate of Detroit, on the morning of the 16th of August?

A. I was. I saw General Hull there on horseback about 4 o'clock in the morning, before the cannonading.

Q. What number of militia had Colonel Brush under his command?

A. Probably 150.

Q. How did I appear on that morning?

A. You appeared perfectly tranquil and collected. You gave some orders.

Q. Did I not use every exertion for offensive and defensive operations?

A. No person could have been more active and industrious, at the time of your arrival at Detroit; and it appeared to me that system only was wanting to give the desired effect.

Q. Do you mean by want of system, the want of it in any particular departments?

A. There was a want of system in all the departments of the army, owing to too great indulgence on the part of General Hull.

Q. Did I not state before leaving Canada, that I had received information of a reinforcement being on its way from Fort Erie, and that I was to have no co-operation at Niagara?

A. On the 7th August General Hull told me, that he contemplated leaving Canada, in consequence of reinforcements having arrived and being on their way to the enemy, and in consequence of information that Major Chambers had arrived from Fort Erie with a considerable force, and of their being no co-operation on the Niagara frontier. I took this opportunity of mentioning to General Hull the miserable and critical situation to which the inhabitants would be exposed, in consequence of the evacuation, by his proclamation offering protection: his reply was, that of two evils he must choose the less; and that was to concentrate his force for the defence of Detroit, and to open the communication with the River Raisin.

Q. Did you not see me on the 15th August?

A. I saw you on that day, and recollect your saying, "The British have demanded the place," and your adding, with some firmness, "If they want it they must fight for it."

#### Questions by the Court.

Q. Were you in such a situation as to be able to ascertain the fact of *system* being wanting in all the departments of the army? If so, what was it?

A. I was with the army from the time it first crossed to the 8th August, employed in issuing protection to the inhabitants. I did all my business in the general's quarters until within a few days before we recrossed, then I did it at a small tent near his quarters. This gave me an opportunity of knowing that the general had to enter into the minutæ of the different departments, and which I attributed alone to want of system on his part—knowing the zeal and integrity of the heads of the different departments, I sup-

posed the general interfered in the different departments unnecessarily.

Q. What number of the inhabitants of Canada received protection?

A. From the records I kept, and as nearly as I can recollect, 367, including deserters.

Q. (By Gen. Hull.) Who was at the head of the medical department?

A. Dr. Forster, who was taken sick shortly after I knew of his arrival at Detroit, and died.

Q. Who was at the head of the engineer department?

A. Lieutenant Partridge, who was sick during the greatest part of the time that the army was in Canada. I have heard of his death also. I do not know of his doing any duty.

Q. Did you not consider my interfering in the medical and engineer departments as owing to the sickness of the heads of those departments?

A. I did not. I thought it was owing to a great anxiety for the service which was usual with you.

Q. As nearly as you can recollect, how many of the Canadians who took protection were inhabitants not attached to the army?

A. I could not state with precision—the largest proportion were deserters from the Fort of Malden.

*Brevet-Major John Whistler, 1st Regiment of Infantry,  
called on the part of the U. S. sworn.*

Major Whistler said, "I was in command at Detroit when General Hull arrived with the army there in 1812; Captain Dyson and I waited on the general and were asked for a return of the state of the garrison as to ordnance stores—I handed him one for the month of June, previous to the army's crossing into Canada. I think there were 100 barrels of powder, said to contain 100lbs. each; there

were also 5400 and some dozen of cartridges for musquets—there were, I think, 48 barrels in the fort on the morning of the 16th. I saw Captain Hull on that morning (after the men were killed, General Hull being near the gate) take a dirty towel to fix as a flag of truce on one of the boarding pikes, which I thought too dirty; he then brought out a table-cloth or a sheet, which I thought would be too large, and said it should not go up, as the American ensign must be lowered, and the enemy might suppose we had surrendered. This passed so near General Hull that he must have heard the whole of it; he, however, said nothing—Captain Barton hoisted it on one of the bastions. General Hull was leaning on the side of the fort next the enemy, and in a secure part except against shells. I went, some days before the army re-crossed, with a Mr. Baird, the deputy-contractor, to a store which held the provisions of the army; and saw, and helped to count, between 200 and 300 barrels of flour, 48 barrels of pork, 16 or 17 barrels of salt beef, and 20 barrels of whiskey. I kept the key of the store at my quarters. I think there were a couple of waggon loads taken out at different times, before the surrender—there might have been more, as they could get the key in my absence. There was one waggon load of flour brought there before the capitulation; the army was furnished with some fresh beef from the time Mr. Baird and I counted these provisions—Mr. Baird might have furnished salt provisions from outside the store. General Hull, I think, told me of 800 or 900 sheep taken on the Canada side, which he put under my charge—there was an old man who came with them, their former keeper. Some of them were taken for the use of the garrison to my knowledge, reports of them being made to me every night—some of them were killed by the enemy's balls. I went to Detroit in 1797, and am generally acquainted with the country: If the provisions could have been collected with

the other resources of the country, the army might have been subsisted for 2 months. There were large crops of wheat in 1812.

Questions by the Court.

Q. Did you see General Hull in the fort on the morning of the 16th, during the cannonade?

A. I did.

Q. Did, or did not, the situation and appearance of the general induce you to think at the time that he was under the influence of personal fear?

A. It did.

Ge Cross-examined by General Hull.

Q. What numbers of Ohio militia were left at Detroit when the army crossed into Canada?

A. There were, I think, 68 in the fort who refused to cross. I do not know how many were in the town.

Q. Do you know whether I made any exertions to have the carriages for the cannon repaired?

A. I do. I saw General Hull frequently before sun up in the morning: he was active in his exertions for that purpose.

Q. If the army had been confined to the town and fort of Detroit, could the resources of the country have been collected which you speak of? and, if the provisions had been taken for the army, would it not have left the inhabitants destitute?

A. If they were confined they could not—the inhabitants would not have suffered for two months.

Q. While you were at Detroit were there not large quantities of beef and pork brought from Ohio?

A. There were. It was not all purchased by the inhabitants—Some by McIntosh and Patterson, Indian traders, and other persons on the Canada side of the river.

*The Court adjourned until Monday, at 10 o'clock.*

*31st Day. Monday, 7th March, 1814.*

*The Court met pursuant to adjournment, all members present.*

Gen. Hull read the proceedings of a council of war held at Detroit on the 9th of July, 1812, and an account of the quantity of the respective kinds of provisions then on hand, which was admitted by the Judge Advocate, viz :

125,000	ration	of flour,
70,666	do.	of meat,
150,000	do.	of candles,
110,000	do.	of whiskey,
300,000	do.	of soap,
12,800	do.	of vinegar.

Also an order on the contractor for 2000 rations complete for Colonel Miller's detachment, on the 10th of August, 1812, out of which the detachment brought back 1919 rations of flour, 533 do. of meat and 896 do. of whiskey. Also an order on the contractor of the 9th of August, to issue to the detachment under Colonel Miller 600 rations of flour and pork, and 1200 do. of whiskey, to be taken by Colonel M'Arthur—indorsed "delivered 413 lbs. of flour, 600 rations of bread, 600 ditto of meat 1200 do. whiskey."

*Provisions on hand at Fort Detroit on the 28th July, 1812.*

70,000	ration	of flour,
21,000	do.	of salted meat,
150,000	do.	of whiskey.

I certify that the above statement was handed to General Hull by my order, containing the provisions in the contractor's store.



(Signed)

DAVID BEARD,  
Contractor's Agent.

General Hull stated that he had no evidence to adduce, but what was by way of depositions taken out of court by consent of the Judge Advocate, and therefore requested time to make his defence, which he would do by Friday next, until which time the Court accordingly adjourned, to meet at 10 o'clock.

32d Day. Friday 11th March, 1814.

*The Court met pursuant to adjournment, all the Members present.*

General Hull appeared with his counsel, and requested farther time might be allowed him to prepare his defence; upon which the Court adjourned until Tuesday next, the 15th inst. at 10 o'clock.

33d Day. Tuesday, 16th March, 1814.

*The Court met pursuant to adjournment, all the Members present.*

General Hull commenced delivering his defence, which he read until 2 o'clock, when he requested that the Court might be adjourned, which was done until to-morrow at 11 o'clock.

34th Day. Wednesday, 16th March, 1814.

*The Court met pursuant to adjournment, all the Members present.*

The affidavit of Captain Hull was read in evidence; after which General Hull continued to read his defence.



*(The Court adjourned until to-morrow at 11 o'clock.)*

*35th Day. Thursday, 17th March, 1814.*

*The Court met pursuant to adjournment, all the Members present.*

General Hull continued to read his defence.

*(The Court adjourned until to-morrow, at 11 o'clock.)*

*36th Day. Friday, 18th March, 1814.*

*The Court met pursuant to adjournment, all the Members present.*

General Hull closed his defence : whereupon the Court, after deliberation, determined to hear the Special Judge Advocate in reply, which he stated he could not do before Wednesday, the 23d inst. to which time the Court adjourned, to meet at 11 o'clock.

*37th Day. Wednesday, 23d March, 1814.*

The Court met pursuant to adjournment, when the Special Judge Advocate delivered a speech of considerable length, in application of the evidence on the part of the prosecution, after which the Court adjourned until to-morrow at 10 o'clock.

*38th Day. Thursday, 24th March, 1814.*

The Court met pursuant to adjournment and had all the proceedings read. A question had previously arisen, whether the doors should be closed. It was determined that the citizens might be present.

*(For the Charges against Gen. Hull, and the further proceedings of the Court, see the following Appendices.)*

*Charges exhibited against Brigadier-General WILLIAM HULL,  
of the Army of the United States, by order of the Secretary of  
War, viz.—*

TREASON against the United States, between the ninth of April and the seventeenth of August, one thousand eight hundred and twelve.

In this—That on the first day of July, in the year one thousand eight hundred and twelve, before that time and ever since, an open and public war was and is yet carried on and prosecuted by and between the United States of America and their territories, and the United Kingdom of Great Britain and Ireland and the dependencies thereof: And that William Hull, a brigadier-general in the army of the United States, a citizen of the said United States, owing allegiance to the said United States, and late commander of the north-western army of the said United States, well knowing the premises, and traitorously and unlawfully designing and contriving to send and convey intelligence to the said enemies of the said United States, touching a declaration of war by the said United States against the said United Kingdom of Great Britain and Ireland and the dependencies thereof, and also touching the expedition on which the said north-western army, under his command as aforesaid, was employed; and also touching the numbers, state and condition of the said north-western army, in prosecution of the said traitorous and unlawful design, on the said first day of July, in the year aforesaid, at the Rapids of the river Miami of the Lake, in the Territory of Michigan, (the said William Hull then and there being a brigadier-general in the army of the United States, and being then and there the commander of the said north-western army as aforesaid,) did traitorously hire, or cause to be hired, an unarmed vessel, with the pretended purpose of transporting therein certain sick soldiers, and the principal part of the hospital stores belonging to the said north-western army, from the said Rapids of the river Miami of the Lake to Detroit, in the said Territory of Michigan, but in truth traitorously contriving and intending, that the said unarmed vessel, together with all persons, papers and things put on board thereof, should be captured

by the enemies of the said United States, on the passage of the said unarmed vessel from the said Rapids of the Miami of the Lake to Detroit aforesaid, in the territory of Michigan aforesaid: And that the said William Hull, in the further prosecution of his said traitorous and unlawful design and contrivance, (being then and there a brigadier-general in the army of the United States as aforesaid, and being then and there commander of the said north-western army as aforesaid) did then and there traitorously put, or traitorously cause to be put on board of the said unarmed vessel, a trunk containing, (among other things,) the official correspondence of the secretary for the department of war and the said brigadier-general William Hull, as well touching the expedition on which the said north-western army under his command was, as aforesaid, then employed, as touching a declaration of war, by the said United States, against the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, and also certain official muster-rolls, reports, and returns of the numbers, state and condition of the said north-western army, under his command as aforesaid: And that afterwards, to wit, on the second day of July, in the year aforesaid, the said unarmed vessel, so as aforesaid traitorously hired, or caused to be hired, by the said brigadier-general William Hull, on its passage from the rapids of the Miami of the lake to Detroit aforesaid, was captured by the said enemies of the United States, having on board thereof, at the time of the capture, the said trunk containing the said correspondence, as well touching the said expedition as the said declaration of war, and the said official muster-rolls, reports and returns of the numbers, state and condition of the said north-western army, (together with certain sick soldiers, and the principal part of the hospital stores belonging to the said north-western army): And that by means of the said capture, and in fulfilment of the said traitorous and unlawful design, contrivance and intendment of the said Brigadier General William Hull, the said correspondence, as well touching the said expedition as touching the said declaration of war and the said official muster rolls, reports and returns of the number, state and condition of the said north-western army, (together with certain sick soldiers, and the principal part of the hospital stores of the said north-western army) came to the possession, knowledge and use of the enemies of the said United States, giving information and intelligence to the enemies of the said United States, as well touching the said expedition, as touching the said declaration of war, and, also, touching the numbers, state and condition of the said north-western army of the said United States, then and there under the command of the said Brigadier General William Hull as aforesaid: Whereby the said William Hull, on the said first day of July, in the year aforesaid, at the Rapids of the river Miami of the Lake aforesaid, in the territory of Michigan aforesaid, (being then and there a brigadier-general in the army of the United States, and being then and there com-

mander of the said north-western army as aforesaid, and being then and there a citizen of the said United States, owing allegiance to the said United States,) did then and there traitorously and unlawfully hold correspondence with, and give intelligence to, the enemy, and did then and there traitorously, by the means aforesaid, adhere to the enemies of the said United States, giving them aid and comfort.

#### SECOND SPECIFICATION.

And also in this : That afterwards, and during the said war, so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said north-western army of the said United States, under the command of the said brigadier-general William Hull as aforesaid, having entered the British province of Upper Canada, and having established a military post at or near Sandwich, in the said British province of Upper Canada, which it was the duty of the said brigadier-general William Hull to maintain, in order that the said war might and should be advantageously carried on and prosecuted, in behalf of the said United States, and more especially that a certain British fort called Malden, otherwise called Amherstberg, in the said British province of Upper Canada, occupied by the enemies of the said United States, might and should be advantageously attacked and taken, by the said north-western army of the said United States, under the command of the said brigadier-general William Hull, as aforesaid : Yet the said William Hull, (a brigadier-general in the army of the said United States, a citizen of the said United States, owing allegiance to the said United States, and commander of the said north-western army of the said United States as aforesaid,) well knowing the premises, on the eighth day of August, in the year one thousand eight hundred and twelve, at Sandwich aforesaid, in the British province of Upper Canada aforesaid, did then and there traitorously and unlawfully conspire and combine with certain enemies of the said United States, (whose names are unknown,) to quit and abandon, to the enemies of the said United States, the said military post, established by the said north western army of the said United States, at or near Sandwich aforesaid, in the British province of Upper Canada aforesaid, and to prevent the said British fort called Malden, otherwise called Amherstberg, from being attacked and reduced, or an attempt being made to reduce the same, by the said north-western army of the said United States, under the command of the said brigadier-general William Hull as aforesaid : And that the said brigadier-general William Hull, (then and there being a brigadier-general in the army of the said United States, then and there being commander of the said north-western army of the said United States, and then and there being a citizen of the said

United States, owing allegiance to the said United States,) in prosecution of the said traitorous conspiracy and combination, did then and there traitorously quit and abandon, and did then and there traitorously cause to be quitted and abandoned, the said military post, established by the said north-western army of the said United States as aforesaid, at or near Sandwich aforesaid, in the British province of Upper Canada aforesaid, and did then and there traitorously neglect and omit to make the proper preparations for attacking and reducing, or attempting to reduce the said British fort called Malden, otherwise called Amherstberg, and did then and there traitorously prevent the said British fort called Malden, otherwise called Amherstberg, from being attacked and reduced, or an attempt being made to reduce the same, by the said north-western army of the said United States, then and there under his command as aforesaid: And in further prosecution of the said traitorous conspiracy and combination, did then and there traitorously march, withdraw and remove, and traitorously order to be marched, withdrawn and removed, the said north-western army of the said United States, from the said military post, established by the said north-western army of the said United States at or near Sandwich aforesaid, to a place out of the said British province of Upper Canada, to wit, to Detroit aforesaid, in the territory of Michigan aforesaid: Whereby the said William Hull, on the eighth day of August, in the year one thousand eight hundred and twelve aforesaid, at Sandwich aforesaid, in the said British province of Upper Canada, (being then and there a brigadier-general in the army of the said United States and being then and there commander of the said north-western army of the said United States, and being then and there a citizen of the said United States, owing allegiance to the said United States,) did then and there traitorously conspire combine and hold correspondence with the enemies of the said, United States, and did then and there traitorously and shamefully quit and abandon, and traitorously and shamefully cause to be quitted and abandoned, the said military post, so as aforesaid established by the said north-western army of the said United States, at or near Sandwich aforesaid, in the said British province of Upper Canada aforesaid, and did then and there traitorously neglect and omit to make the proper preparations for attacking and reducing or attempting to reduce, the said fort called Malden, otherwise called Amherstberg, in the said province of Upper Canada aforesaid, and did then and there traitorously prevent the said British fort called Malden, otherwise called Amherstberg, in the said British province of Upper Canada, from being attacked and reduced, or an attempt being made to reduce the same, by the said north-western army of the said United States, under his command as aforesaid, and by the means aforesaid did then and there traitorously adhere to the enemies of said United States, giving them aid and comfort,

## THIRD SPECIFICATION.

And, also, in this : That afterwards, and during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, to wit, on the sixteenth day of August, one thousand eight hundred and twelve, aforesaid, at Detroit aforesaid, in the Michigan territory aforesaid, the said William Hull was then and there a citizen of the said United States, owing allegiance to the said United States, and was then and there a brigadier-general in the army of the said United States, and was then and there commander of the north-western army of the said United States, and was then and there commander of a certain fort called Fort Detroit, belonging to the said United States, erected at and near the town of Detroit, upon a bank of the river Detroit, in the said territory of Michigan, the works whereof, and the guns and gun carriages belonging thereto, then were, and long before had been, decayed, dilapidated and out of repair : And the said B. Gen Wm. Hull then and there did traitorously conspire and combine with certain enemies of the said United States (whose names are unknown) then and there traitorously and shamefully to surrender and abandon to the enemies of the said United States the said fort called Fort Detroit, belonging to the said United States as aforesaid, and then and there under the command of the said Brigadier General William Hull as aforesaid, with all the troops, regulars as well as militia, then and there under the command of the said brigadier-General Wm. Hull as aforesaid, and all the public stores and arms, and all public documents, including every thing else of a public nature appertaining to the said fort called Fort Detroit, and to the said north-western army of the said United States, under the command of the said Brigadier General William Hull as aforesaid : And that in prosecution of the said traitorous conspiracy and combination, the said Brigadier-General William Hull did then and there wilfully and traitorously neglect and omit to repair and strengthen the works of the fort called Fort Detroit, then and there under his command as aforesaid, and to put the same (together with the said guns and gun-carriages belonging thereto) into a proper state and condition for resistance and defence against the approaches, attacks and assaults of the enemies of the said United States ; and did then and there wilfully and traitorously neglect and omit to fortify the places and passes at and near to the said fort called Fort Detroit, by and through which the troops of the enemies of the said United States might then and there reasonably be expected to approach, and did approach. the said fort called Fort Detroit, for the purpose of attacking and subduing the same ; and did then and there traitorously neglect and omit to oppose, resist and repel, and defeat, and to attempt to repel and defeat, the troops of the enemies of the said United States, in their hostile preparations and approach to and towards the said fort called Fort De-

troit, for the purpose of attacking and subduing the same : And that in the further prosecution and completion of the said traitorous conspiracy and combination, the said brigadier-general William Hull did then and there traitorously and shamefully abandon and surrender the said fort called Fort Detroit, then and there under his command as aforesaid (which it was his duty then and there to maintain and defend) together with all the troops, as well regulars as militia, then and there in the said fort called Fort Detroit, then and there belonging to the said United States as aforesaid, and then and there under his command as aforesaid, and all the public stores and arms, and public documents, including every thing else of a public nature, in and appertaining to the said fort called fort Detroit, and to the said north-western army of the said United States, then and there under his command as aforesaid, unto the enemies of the said United States, to wit, to the British forces then and there under the command of major-general Brock : Whereby the said William Hull, on the said sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit aforesaid, in the territory of Michigan aforesaid, (being then and there a citizen of the said United States, owing allegiance to the said United States, and being then and there a brigadier-general in the army of the said United States, and being then and there commander of the said north-western army of the said United States, and being then and there commander of the fort called Fort Detroit, belonging to the United States as aforesaid,) did then and there traitorously and shamefully abandon and surrender the said fort called Fort Detroit, to the enemies of the said United States, to wit, to the said British troops under the command of major-general Brock as aforesaid, and did then and there, by the means aforesaid, traitorously adhere to the enemies of the said United States, giving them aid and comfort.

## II. CHARGE.

COWARDICE, at and in the neighbourhood of Detroit, between the first day of July and the seventeenth day of August, in the year one thousand eight hundred and twelve.

### FIRST SPECIFICATION.

In this—That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said Brigadier-General William Hull then commanding the north-western army of the said United States as aforesaid, having entered the said British province of Upper Canada, in prosecution of the said war on behalf of the said United States, and being there in possession of the town of Sandwich and the adjacent country, in the name and on behalf of the United States, and having declared

and avowed the object and intention of attacking and subduing the British fort called Malden, otherwise called Amherstberg, in the said British province of Upper Canada, and generally, of maintaining and enlarging his position and possession in the said British province of Upper Canada, on the eight day of August, in the year one thousand eight hundred and twelve, at Sandwich aforesaid, in the British province of Upper Canada aforesaid, did then and there misbehave himself before the enemy, and shamefully manifest an undue fear and apprehension of danger, by a course of conduct and conversation evincing personal alarm, agitation of mind and privation of judgment; by abandoning the said object and design of attacking the said British fort called Malden, otherwise called Amherstberg, by quitting the position and possession taken at the town of Sandwich and in the adjacent country, in the said British province of Upper Canada as aforesaid, and by retreating abruptly from and out of the said British province of Upper Canada, to Detroit, in the territory of Michigan aforesaid, without any cause for so doing arising from the superior numbers, state and condition of the British forces which were then and there opposed to the said army of the United States, under the command of the said Brigadier General William Hull, and without any other just and sufficient cause whatsoever: Whereby the officers and soldiers of the said north-western army of the said United States, then and there under the command of the said Brigadier-General William Hull, were induced to lose, and did lose, all confidence in the personal courage and the military capacity of the said commander; the inhabitants of the said British province of Upper Canada were taught to distrust the power and professions of the invading general; a shade was cast upon the reputation of the American arms, and the service of the said United States, in the prosecution of the said war, suffered great detriment and disadvantage.

#### SECOND SPECIFICATION.

And, also, in this: That during the said war as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, to wit, on the fifteenth day of August, one thousand eight hundred and twelve aforesaid, the enemy having raised certain batteries on the bank of the said river Detroit, in the said British province of Upper Canada, opposite to the said Fort Detroit, and certain American posts and batteries established and erected near to the said Fort Detroit, in the said territory of Michigan, and a cannonade being commenced from the said batteries of the enemy against and upon the said Fort of Detroit, and the said American posts and batteries established and erected near thereto, in the said territory of Michigan, the said Brigadier-General William Hull, on the said fifteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit aforesaid, in the



territory of Michigan aforesaid, (being then and there commander of the said fort called Fort Detroit, and of the said American posts and batteries established and erected near thereto, in the said territory of Michigan, and being then and there commander of the said north-western army of the said United States) did then and there, during the continuance of the cannonade aforesaid, shamefully misbehave himself before the enemy, and manifest great fear and apprehension of personal danger, by a course of conduct and conversation evincing personal alarm, agitation of mind and privation of judgment : and particularly by various timid and cowardly actions and expressions, then and there used and uttered, in the presence of the officers and soldiers then and there belonging to the said north western army of the said United States, then and there under his command as aforesaid, as well in a public street of the town of Detroit, as in places adjacent to the said fort of Detroit, and the said posts and batteries established and erected near thereto, in the said territory of Michigan : Whereby a fatal encouragement was afforded for the hostile enterprises of the enemy ; a pernicious example (calculated to intimidate and to disorganize) was given to the American troops, and the service of the United States, in the prosecution of the said war, was exposed to hazard, shame and disappointment.

#### THIRD SPECIFICATION.

And, also, in this : That during the said war carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, to wit, on the sixteenth day of August, in the year one thousand eight hundred and twelve, aforesaid, the British forces under the command of Major General Brock, having crossed the said river Detroit, having landed at a place called Spring Wells, otherwise called Spring Hill, in the said territory of Michigan, and having thence marched towards the said fort of Detroit with the design to attack the said Brigadier General Hull, on the said sixteenth day of August, in the year one thousand eight hundred and twelve, aforesaid, in the said territory of Michigan, aforesaid, being then and there commander of the said Fort of Detroit, and being then and there commander of the said North Western army of the said United States, did then and there during all the time of the enemy's crossing the said river Detroit as aforesaid, landing at the said Spring Wells, otherwise called Spring Hill, as aforesaid, and marching towards the said Fort Detroit as aforesaid, with the design to attack the same as aforesaid, shamefully misbehave himself before the enemy, and manifest great fear and apprehension of personal danger, by various timid and cowardly actions and expressions, then and there uttered and used, in the presence of the officers and soldiers belonging to the said north-western army of the said United States, then and there under his command as aforesaid ; by avoiding all personal danger, from

making no attempt to prevent the enemy's crossing the said river Detroit, and landing at the said Spring Wells, otherwise called Spring Hill; by avoiding all personal danger from reconnoitering and encountering the enemy in battle, on the said march of the enemy towards the said fort of Detroit; by hastily sending flags of truce to the enemy, with overtures for a capitulation; by anxiously withdrawing his person from the American troops, in the open field, to a place of comparative safety, within the walls of the said Fort Detroit; by an irresolute fluctuation of orders, sometimes inconsistent with each other, and sometimes incoherent in themselves; by forbidding the American artillery to fire on the enemy, on the said march of the enemy towards the said Fort Detroit; by calling the American troops from the field, and crowding them into the said Fort Detroit while the enemy was on the said march towards the said Fort Detroit; by a precipitate declaration to the enemy that he surrendered the said Fort Detroit, and the said north-western army of the said United States, before terms of capitulation were signed or considered, or even suggested; and, generally, by a course of conduct and conversation evincing personal fear, agitation of mind and privation of judgment: Whereby the said Fort of Detroit, and the said north-western army of the said United States, then and there under the command of the said Brigadier-General William Hull, were then and there rendered an easy and certain conquest to the approaching enemy; the officers and soldiers of a gallant army (compelled by the obligations of military law to obey the orders of their commander) were exposed to unmerited mortification and reproach; and the service of the said United States, in the prosecution of the said war, suffered great detriment and discredit.

#### FOURTH SPECIFICATION:

And, also, in this: That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, to wit, on the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, at Detroit aforesaid, in the territory of Michigan aforesaid, the said Fort Detroit being then and there well garrisoned and supplied with cannon, ammunition and provisions, the said north-western army of the said United States, being then and there well supplied with arms, ammunition and provisions, and the officers and soldiers thereof being then and there in high spirits, and eager to meet and encounter the approaching enemy in battle, and a fine train of artillery being then and there subject to the orders and disposal of the said brigadier-general William Hull, for the purpose of defence or attack, yet the said brigadier-general William Hull, then and there being commander of the said fort of Detroit, and of the said north-western army of the said United States,) acting upon the impulse of

personal fear and apprehension, and contemplating as the means of personal safety, a shameful abandonment and surrender of the said Fort Detroit, and of the said north-western army of the said United States, under his command as aforesaid, to the approaching enemy, did then and there shamefully misbehave himself before the enemy, and did then and there enter into a disgraceful capitulation with the enemy, containing no consolatory stipulation, that the said garrison and army should march out of the said fort of Detroit with the honors of war, no just and humane stipulation for the security and protection of such of the inhabitants of the said British province of Upper Canada, as had accepted the said brigadier-general William Hull's invitation to join the American standard, nor any reasonable stipulation for an opportunity of reporting to the secretary for the department of war, the circumstances of so unexpected and so important an event; and did then and there shamefully abandon, surrender and give up the said fort of Detroit, together with all the troops, regulars as well as militia, then and there under his command as aforesaid, and all the public stores, arms, and all public documents, including any thing else of a public nature belonging to the said fort of Detroit, and to the said north-western army of the said United States, then and there under his command as aforesaid, to the said approaching enemy, to wit, to the British troops under the command of major-general Brock, without any cause for so doing, arising from the superior numbers, state and condition of the said British forces, or from the actual want, or just expectation of sudden want of arms, ammunition and provisions for the said Fort Detroit and the said north western army of the said United States, and without any other adequate cause whatsoever: Whereby the territorial sovereignty, rights and property of the said United States were shamefully ceded to the enemy, a brave and patriotic army was wantonly sacrificed by the personal fears of the commander, and the service of the said United States, in the prosecution of the said war, suffered a great and afflicting loss.

### III. CHARGE.

•NEGLECT OF DUTY, and UNOFFICER-LIKE CONDUCT, while commanding a separate army, between the ninth of April and the seventeenth of August, in the year one thousand eight hundred and twelve.

#### FIRST SPECIFICATION.

In this: That before and during the said war, carried on and prosecuted as aforesaid by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said Brig. General William Hull being duly appointed to command the north-western army of the said United States, did actually

take and assume the command of the said north-western army on or about the twenty-fifth day of May, in the year one thousand eight hundred and twelve, at or near Dayton, in the state of Ohio, and did thence constantly continue in the actual command of the said army, as well on the march from Dayton aforesaid, to Detroit, in the territory of Michigan, and at Detroit aforesaid, as in the British province of Upper Canada, until his capitulation with the enemy, and the consequent surrender of Fort Detroit, in the said Michigan territory, with all the troops, regulars as well as militia, under his command, to the British forces under the command of Major-General Brock, to wit, at Detroit aforesaid, in the territory of Michigan aforesaid, on the sixteenth day of August in the year one thousand eight hundred and twelve aforesaid: And that the said Brigadier-General William Hull, unmindful of the important trust reposed in him, during all the time aforesaid, and as well on the march of the said army from Dayton aforesaid to Detroit aforesaid, and at Detroit aforesaid, as in the British province of Upper Canada aforesaid, was guilty of neglect of duty, and of unofficer-like conduct, by neglecting and omitting, with sufficient care and frequency to inspect, train, exercise, review and order; and to cause to be inspected, trained, reviewed and ordered, the said army under his command as aforesaid; and also by neglecting and omitting, in due form and time, to prepare an order of battle, and make the same known to the said army, on the march from Dayton aforesaid to Detroit aforesaid, in the Michigan territory aforesaid: Whereby the discipline of the troops under the command of the said Brigadier-General William Hull as aforesaid, was in danger of being relaxed, their comfort was liable to be impaired, their confidence in the military skill and dispositions of their commander was diminished, and the said army was exposed to the hazard of disorder and defeat, in the event of an attack being made thereon by the enemy.

#### SECOND SPECIFICATION.

And, also, in this: That during the said war, so as aforesaid carried on and prosecuted, by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland, and the dependencies thereof, to wit, on or about the first day of July, in the year one thousand eight hundred and twelve aforesaid, at the Rapids of the river Miami, in the territory of Michigan, the said Brigadier-General William Hull, then and there commanding the said north-western army of the said United States, on the march thereof from Dayton, in the state of Ohio, to Detroit aforesaid, in the territory of Michigan aforesaid, and then and there having sufficient cause to know or to believe that war then existed between the said United States and their territories and the said United Kingdom of Great Britain and the dependencies thereof, was guilty of neglect of duty and unofficer-like conduct, by then and there hiring, or causing to be hired, an unarmed vessel, and putting, or causing to be put on

board thereof, to be transported by water passage from the said Rapids of the Miami of the Lake to Detroit aforesaid (the said Brigadier-General William Hull having sufficient cause to know or to believe the imminent danger of capture by the enemy, to which the said unarmed vessel, on the passage aforesaid, would be exposed) certain sick soldiers, and a great part of the hospital stores belonging to the said army, together with a trunk containing, (among other things,) the papers herein after mentioned, which it was the duty of the said Brig. Gen. William Hull most carefully to keep and preserve, from the view and knowledge of the enemy, that is to say, the official correspondence of the Secretary of the Department of War and the said Brig. Gen. William Hull, as well touching the expedition on which the said north-western army, under his command as aforesaid, was then employed, as touching a declaration of war by the said United States of America against the said United Kingdom of Great Britain and Ireland and the dependencies thereof, and also certain official muster-rolls, reports, and returns of the numbers, state and condition of the said army under his command as aforesaid; and the said unarmed vessel, on the passage aforesaid, from the said Rapids of the river Miami of the lake towards Detroit aforesaid, afterwards, to wit, on or about the second day of July, in the year one thousand eight hundred and twelve aforesaid, was captured by the enemy, having on board thereof, at the time of such capture, the said sick soldiers, the said hospital stores, and the said trunk containing the said official correspondence, and also the said muster rolls, reports and returns of the numbers, state and condition of the said army: Whereby the said sick soldiers were made prisoners of war; the said hospital stores were lost the said United States; and the said official correspondence, and the said muster rolls, reports and returns of the numbers, state and condition of the said army came to the possession, knowledge and use of the enemies of the said United States, to the great injury of the said United States.

#### THIRD SPECIFICATION.

And, also, in this: That during the said war carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said Brigadier-General William Hull, having arrived with the said north-western army of the said United States, under his command as aforesaid, at Detroit, in the territory of Michigan, on the seventh day of July, in the year one thousand eight hundred and twelve aforesaid, and having the possession and command of the said Fort of Detroit from that time constantly until the abandonment and surrender thereof to the British forces under the command of Major-General Brock, on the sixteenth day of August, one thousand eight hundred and twelve aforesaid, and finding upon his said arrival at Detroit aforesaid, that the works of the said Fort Detroit were greatly damaged and dilapidated, and that the guns and gun

carriages belonging to the said Fort Detroit were also damaged and out of repair; and moreover well knowing the importance of the said Fort Detroit to the service of the said United States, in the operations of the said war, and that the same, (together with the said guns and gun-carriages) should be put and kept in proper order and repair, was guilty of neglect of duty, by neglecting and omitting, during all the time of his possession and command as aforesaid, in a proper and sufficient manner, to repair and strengthen, or cause to be repaired and strengthened, the works of the said Fort Detroit; by neglecting and omitting, in a proper and sufficient manner, and in due time for the service of the said United States, to repair, or cause to be repaired, the said guns and gun carriages, and generally, by neglecting and omitting to put, or cause to be put, said Fort Detroit in a proper state and condition for resistance and defence, in the event of an invasion and attack by the enemy: Whereby the said Fort Detroit was left an easy conquest to the enemy; the said guns and gun-carriages being afterwards required for the service of the said United States in the British province of Upper Canada, were still found unfit for transportation and use; great time was consumed in preparing and fitting them for the said service, and the operations of the war were fatally obstructed and suspended.

#### FOURTH SPECIFICATION.

And, also, in this: That during the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said brigadier-general William Hull declaring and avowing an intention and design, with the said north-western army of the said United States, under his command as aforesaid, to invade and enter the British province of Upper Canada, to invest and attack the British fort called Malden, otherwise called Amherstberg, in the said British province, and to maintain and enlarge his position and possession in the said British province, and well knowing that expedition, resolution and energy were indispensable to the prosecution and accomplishment of such intention and design, and having arrived at Detroit aforesaid in the territory of Michigan aforesaid, on the seventh day of July, in the year one thousand eight hundred and twelve aforesaid, and having invaded and entered the said British province of Upper Canada, on the twelfth day of July, in the year aforesaid; and therein taken possession of the town of Sandwich aforesaid and having evacuated, with the main body of his army, the said British province of Upper Canada, on the eight day of August, in the year aforesaid, was guilty of neglect of duty and unofficer-like conduct, by not seasonably repairing, fitting and transporting or causing to be repaired, fitted and transported, the guns and gun-carriages, which were necessary to the operations of the war in the said British province of Upper Canada; by an useless and

injurious waste of time and opportunity at Sandwich aforesaid, in the said British province of Upper Canada, without making an attempt to reduce the said British fort called Malden, otherwise called Amherstberg; by an unnecessary consumption of time in projects to conciliate the British inhabitants of the said British province of Upper Canada, and the neighbouring Indians, without resorting to the more effectual display of a military power, capacity and disposition, to maintain the acquisition of conquest, and to perform the promises of protection; by postponing in the first instance, and by abandoning in the next, an investment and attack upon the said British fort called Malden, otherwise called Amherstberg; and by finally evacuating the said British province of Upper Canada, without providing, in any respect, for the safety of the inhabitants thereof, who had accepted the said brigadier-general William Hull's invitation to join the American standard, and without having in any degree accomplished the said intention and design of the said brigadier-general William Hull, so as aforesaid avowed and declared, upon the invasion of the said British province as aforesaid: Whereby an opportunity was afforded to the enemy to bring into suspicion and contempt the power and the conduct of the American commander; to collect and combine the British forces; to seduce, intimidate and engage the Indians; to awe into submission the wavering inhabitants of the said British province of Upper Canada; to reinforce the said British fort called Malden, otherwise called Amherstberg; and to prepare for investing and attacking the said fort of Detroit, in the said territory of Michigan; while on the other hand, the said army of the said United States, under the command of the said brigadier-general William Hull as aforesaid, diminished in effective numbers, in consequence of sickness and other casualties; the officers and soldiers naturally became dissatisfied and disgusted with a scene of such inactivity, irresolution and procrastination; the hope of support and co-operation, as well from the Indians as from the British inhabitants of the said British province of Upper Canada, was destroyed; and the general ardor of the troops, in the prosecution of the war, insensibly abated.

#### FIFTH SPECIFICATION.

And, also, in this: That during the continuance of the said war, carried on and prosecuted as aforesaid by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said brigadier-general William Hull, with the said north-western army of the said United States under his command as aforesaid, arrived at Detroit aforesaid, in the territory of Michigan aforesaid, to wit, on or about the seventh day of July, in the year one thousand eight hundred and twelve aforesaid; that with the said army under his command as aforesaid, he entered and invaded the said British province of Upper Canada, to wit,

on or about the twelfth day of July, in the year aforesaid; that with the main body of the said army under his command as aforesaid, he evacuated the said British province of Upper Canada, on the eighth day of August in the year aforesaid, thence returning to Detroit aforesaid, in the said territory of Michigan; and that he abandoned, surrendered and gave up said fort Detroit, with all the troops, regulars as well as militia, under his command as aforesaid, to the British forces under the command of Major General Brock, to wit, on the sixteenth day of August, in the year aforesaid: And that during all the movements aforesaid, and during all the time aforesaid, to wit, from the said seventh day of July, in the year one thousand eight hundred and twelve aforesaid, to and including the said sixteenth day of August, in the year aforesaid, it was of high importance to the security and supply of the said fort Detroit, and the said army of the said United States, under the command of the said brigadier-general William Hull as aforesaid, that a free and open communication should be had and preserved between the said fort Detroit and the said army of the said United States, under the command of the said brigadier-general William Hull as aforesaid, and a certain American settlement and military post made and established at the river Raisin, in the said territory of Michigan: And that the said brigadier-general William Hull, well knowing the premises, but unmindful of the trust reposed in him, was guilty of a neglect of duty and unofficer-like conduct, by suffering the enemy to interrupt and cut off the said communication between the said fort Detroit and the said army of the said United States under his command as aforesaid, and the said American settlement and military post made and established at the river Raisin aforesaid, in the territory of Michigan aforesaid, to wit, on the first day of August, in the year one thousand eight hundred and twelve aforesaid, or on some other day of the said month of August, or some day of the preceding month of July, in the year aforesaid: also, by afterwards, to wit, on the fourth day of August, in the year aforesaid, detaching Major Thomas B. Van Horne, of Colonel James Findley's regiment of Ohio volunteers, with an inadequate force, (the said brigadier-general William Hull having sufficient cause for knowing or believing the same to be inadequate,) to attempt again to open the said communication between the said fort Detroit and the said army of the said United States, under the command of the said brigadier-general William Hull as aforesaid, and the said American settlement and military post on the said river Raisin in the territory of Michigan aforesaid; also, by afterwards, to wit, on the eighth day of August in the year aforesaid, detaching lieutenant-colonel James Miller, of the fifth regiment of United States' Infantry, with the number, or about the number of five hundred men to attempt again to open the said communication between the said fort of Detroit and the said army of the said United States under the command of the said brigadier-general William Hull, and



the said American settlement and military post at the said river Raisin in the territory of Michigan aforesaid, and neglecting to furnish and forward, or to cause to be furnished and forwarded to the said last-mentioned detachment, at or near Brownstown, on its march upon the service aforesaid, an adequate supply of provisions, (the said brigadier-general William Hull having sufficient cause to know or believe that the said last-mentioned detachment, at or near Brownstown, on its march upon the service aforesaid, was in want of provisions, and that they could not prosecute and accomplish the said service, unless an adequate supply of provisions was furnished and forwarded to them, at or near Brownstown aforesaid :) And, also, by afterwards, to wit, on the fourteenth day of August, in the year aforesaid, detaching Colonel Duncan McArthur, colonel of a regiment of Ohio volunteers, and Colonel Lewis Cass, colonel of another regiment of Ohio volunteers, with the number or about the number of four hundred men, as well to attempt again to open the said communication between the said fort Detroit and the said army of the said United States, under the command of the said brigadier-general William Hull as aforesaid, and the said American settlement and military post at the river Raisin aforesaid, in the territory of Michigan aforesaid, as to escort provisions from the said American settlement and military post, to Detroit aforesaid, without issuing, furnishing and forwarding, or causing to be issued, furnished and forwarded to the said last-mentioned detachment, an adequate supply of provisions for the service on which they were employed as aforesaid, (the said Brigadier-General William Hull having sufficient cause to know or to believe that the said last-mentioned detachment was in want of a further supply of provisions upon the service aforesaid, and that they could not prosecute and accomplish the said service, unless such further supply was issued, furnished and forwarded to them :) Whereby the said detachment under the said Maj. Thomas B. Van Horne, being encountered by the enemy with a superior force, was defeated and returned to Detroit, without accomplishing the service on which they were employed as aforesaid; the said detachment under the said lieutenant-colonel James Miller, having achieved a signal victory over the enemy during the march on the service aforesaid, were nevertheless compelled, from the want of an adequate supply of provisions, to abandon the service on which they were employed as aforesaid, and to return to Detroit aforesaid; the said detachment under the said Colonel Duncan McArthur and the said Colonel Lewis Cass, from want of an adequate supply of provisions, were unable to prosecute the service on which they were employed as aforesaid, and were returning to Detroit aforesaid, at the time of the abandonment and surrender of the said fort Detroit and the said army of the said United States, to the British forces under the command of major-general Brock as aforesaid; and finally, the said communication between the said Fort Detroit and the

said army of the said United States, under the command of the said brigadier-general William Hull, and the said American settlement and military post at the said river Raisin, in the territory of Michigan aforesaid, by reason of the said neglects and omissions of the said Brigadier-General William Hull as aforesaid, was, and remained interrupted and totally cut off by the enemy, to wit, from the said first day of August, in the year aforesaid, or from some other day in the said month of August, or in the preceding month of July, in the year aforesaid, to and including the said sixteenth day of August, in the year aforesaid,

#### SIXTH SPECIFICATION.

And, also, in this—That during the continuance of the said war, so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said Brigadier-General William Hull, with the said north-western army of the said United States under his command as aforesaid, having invaded and entered the said British province of Upper Canada as aforesaid, and having declared and avowed an intention and design of investing and attacking the said British fort called Malden, otherwise called Amherstberg, in the said British province of Upper Canada, and a detachment of the said army under his command as aforesaid, led by the said Colonel Lewis Cass and the said Lieutenant-Colonel James Miller, having attacked and repulsed the enemy, and seized upon a certain bridge over the river called the river "Aux Canards," on the rout from Sandwich in the said British province of Upper Canada to the said British fort called Malden, otherwise called Amherstberg, and an opportunity having thereby been afforded for an immediate investment and attack upon the said British fort called Malden, otherwise called Amherstberg: Yet the said Brigadier-General William Hull, well knowing the premises, and unmindful of the trust reposed in him, to wit, on the eighteenth day of July, in the year one thousand eight hundred and twelve aforesaid, at Sandwich aforesaid, in the said British province of Upper Canada, was guilty of neglect of duty and unofficer-like conduct, by neglecting and omitting to advance with the said army under his command as aforesaid, to maintain or attempt to maintain the possession of the said bridge over the said river called the river Aux Canards, and by omitting to proceed to the immediate investment and attack of the said British fort called Malden, otherwise called Amherstberg, in the said British province of Upper Canada: Whereby the advantage of acquiring and keeping possession of the said bridge over the said river called the river Aux Canards as aforesaid, was providently lost, and the prospect of a successful investment and attack upon the said British fort called Malden, otherwise called Amherstberg, speedily vanished.

## SEVENTH SPECIFICATION.

And, also, in this: That during the continuance of the said war so as aforesaid carried on and prosecuted by and between the said United States of America and their territories, and the said United Kingdom of Great Britain and Ireland and the dependencies thereof, the said brigadier-general William Hull, with the said north-western army of the said United States under his command as aforesaid, having evacuated the said British province of Upper Canada, returning thence to Detroit aforesaid, in the territory of Michigan aforesaid, the enemy having afterwards taken possession of the bank of said river Detroit, opposite to Detroit aforesaid, and thereon erected batteries wherewith to attack and annoy, as well the said fort Detroit and the American posts and batteries erected and established near thereto, as the town of Detroit in the said territory of Michigan, the enemy having also manifested an intention and a design to invade and enter the said territory of Michigan, and to invest and attack the said fort Detroit, and the enemy having also, afterwards, in pursuance of such intention and design, landed at a place called Spring Wells, otherwise called Spring-Hill, in the neighbourhood of the said fort Detroit, in the territory of Michigan aforesaid: Yet the said brigadier-general William Hull, well knowing the premises, and unmindful of the trust reposed in him, to wit, from the eleventh day of August to and including the sixteenth day of August, in the year one thousand eight hundred and twelve aforesaid, was guilty of neglect of duty and unofficer-like conduct, by neglecting and omitting to prevent, and to attempt to prevent the enemy from erecting the said batteries on the bank of the said river Detroit, opposite to the said fort of Detroit as aforesaid; by neglecting and omitting to fortify the landing-place at the said Spring Wells, otherwise called Spring Hill, in the territory of Michigan aforesaid; and by neglecting and omitting to annoy and attack the enemy, on and after his landing at Spring Wells, otherwise called Spring-Hill as aforesaid, in the territory of Michigan aforesaid: Whereby the enemy was enabled securely to erect the said batteries on the bank of the said river Detroit as aforesaid, for attacking and annoying as well the said fort Detroit, and the posts and batteries erected and established near thereto, as the said town of Detroit; to invade the said territory of Michigan without opposition or loss; and to approach the said fort Detroit with the air and confidence of a triumph.

A. J. DALLAS,  
*Judge Advocate.*

# DEFENCE.

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MR. PRESIDENT, AND GENTLEMEN OF THE COURT MARTIAL.

I HAVE too long and too severely felt the effects of public prejudice, excited by unfounded reports and groundless clamors, not to rejoice that the time has arrived when I may speak in my own vindication, before an impartial and honourable tribunal.

The charges upon which you are now to decide, have been propagated through the Union with a *zeal* and *industry*, to which my age, my character and my former services have in vain been opposed. My reputation and feelings have been the sport of every one who either from malicious, selfish or political motives chose to traduce me. The time has been when no one would have dared to couple dishonor with my name, when my heart has exulted to find myself mentioned among those who deserved well of their Country. But since my efforts to serve her have been unsuccessful, how have I been tortured with cruel and unfounded accusations, even conscious innocence has not always given me fortitude to bear with this injustice, unmoved. Knowing the integrity of my own motives, and how zealously I have sought to discharge my duty to the public, my heart has often swollen with indignation when I have seen the indefatigable pains that have been taken by repetitions of the foulest calumnies to excite and keep alive prejudices against me. Your own knowledge gentlemen of what has been passing in the world, will convince you that this is not declamation, but I shall shew you in the course of my defence, that men from whose profession and whose rank it was not to be expected, have been parties in this injustice.

At length, however, the time I have so anxiously desired, has arrived, when my conduct must be tested by *evidence*, instead of the misrepresentations of my enemies, and I *do* feel a confidence that when you have pronounced upon that evidence I may appeal to your judgment to refute the clamors which have been raised against me.

I cannot but think, Mr. President, that the charges against me are exhibited in a form hitherto unprecedented in proceedings of this nature. It was not to be expected, that in a court where the accused, whatever may be his infirmities or incapacities to attend to his own defence, is not permitted to have the benefit of council, the charges would be enveloped in such a profusion of words, that it is difficult for one not accustomed to the technical forms of pleadings in the civil courts to understand them, and be so complicated by repetitions that it is still more difficult to reduce them to any order or analysis.

It is extremely important, however, that the court should ascertain, and always bear in mind precisely of what I am accused. The course of pro-

ceeding which has been adopted by the court, renders this the more necessary, as testimony has been given which certainly cannot be applied to any of the specifications. The court having thought proper to admit it with an intimation that any further objection which I might offer to its propriety or relevancy when I arrived at this stage of my defence, would be considered. In submission to this decision of the court, I have omitted to make objections on this ground in several instances. I shall not attempt to offer an argument to the court to prove the injustice of making one charge against a person, and trying and convicting him by another: I did however understand, from what passed when I first submitted to the court an objection of this nature, that an objection was entertained by some of the members, that though the testimony might not apply to any specification, yet if the fact intended to be proved, would come under either of the general charges, the testimony would be proper. If this were so, then there would be no use in the specifications, indeed they would be worse than useless, they would only mislead the accused, and induce him to prepare against one accusation when he might be tried on another.

The propriety of admitting nothing under the general charge, for which there is not a specification, I think will appear manifest by supposing that a general charge should be unofficer-like conduct, and that the only specification should be insulting a superior. Suppose that under this general charge and specification, testimony should be offered of absence without leave, this would also be unofficer-like conduct, and therefore would come under the general charge. But would it not be the height of injustice to try the accused for absenting himself, a crime of which the charges gave him no notice. I trust the court will see the validity of the objection I am considering, and that they will be careful to give no weight to any part of the testimony which does not apply to some one of the specifications.

I do not think it necessary to occupy the time of the court with a recapitulation of the charges, nor shall I exhaust your patience by attempting in my defence, to follow the volume on your table through all its reiterations. It will be found for the most part to be a repetition of the same facts, displayed in the jargon of special pleading, with an incongruous dissemination of such opprobrious epithets as fancy might furnish to heighten the imputation of guilt. I shall endeavour to arrange and consider the accusations in such order as will enable me to bring my defence into some compass, and to be the better understood. I shall particularly notice the charges which the judge advocate in his opening mentioned as those which he expected would be substantiated, and I shall not omit to make my defence against every accusation which there has been the least testimony to support. The cardinal accusations, if I may be permitted so to express myself, are founded upon an alleged delay at Sandwich, the retreat from Canada, and the surrender at Detroit.

If I can satisfy the court that these acts were in themselves necessary or justifiable, it will then remain for me to answer such of the accusations as relate to the manner in which these acts were done, and to answer also some charges not immediately connected with these transactions. This course

will embrace the whole of my defence. Of this latter description is the first specification under the charge of treason which relates to the vessel sent from the Miami. I shall therefore give this a separate consideration, and as it stands first and highest in the black catalogue of the crimes which are imputed to me, and is repeated in other specifications, I shall in the first instance ask the attention of the court to this subject.

I have already protested against the authority of this court to decide upon this charge, because treason is a crime of which a court martial has no cognizance. Their power is confined to such military crimes as are specified in the articles of war, and their jurisdiction is so limited, not only by the Constitution, but by the very articles themselves. I have thought it my duty in the most solemn manner to make and insist on this protest for the sake of repelling a dangerous example, and not as it respected myself or the case now under your consideration; for my only desire is to acquit myself of the criminal acts and motives which have been so wantonly imputed to me. If I cannot succeed in this, I am indifferent as to the names by which the crimes may be called, and if I do not acquit myself of the other charges which are the most wounding to the feelings of a soldier, I am equally indifferent to the punishment that may be inflicted. I have no desire to preserve a life that shall be stigmatized by a conviction of this court on the charges of cowardice.

The first specification under the charge of treason relates to sending the vessel on the first of July from the Miami with the Hospital stores, sick baggage, and army documents. As to sending the vessel with what she had on board, except the last article it is not disputed—but that for the reasons which according to the testimony of General M'Arthur I assigned for it at the time, it would not have been an improper measure had not war been declared.

The whole criminality then in this respect rests on the truth of the allegation that I despatched the vessel knowing of the war, and with a design to give traitorous intelligence to the enemy.

It is very certain that I had no direct intelligence of the war on the 1st of July when the vessel was despatched. I had on the 26th of June received a letter from the Secretary at war, dated on the day war was declared, the 18th of June—and I afterwards received another letter from him of the same date, announcing to me the declaration of war. It seems to have been intimated that the letter of the 18th of June which I received on the 26th, was the letter announcing the war—but I think the testimony of General M'Arthur settles that point—He acknowledges that I shewed him both the letters which I received on the 26th of June at the time I received it—and also the letter which I received on the 2nd of July at the time that letter came to my hands: But if the testimony of General M'Arthur and other witnesses left any doubt on this subject, it must be removed by a reference to a letter from me to the Secretary at war which has been read by the Judge Advocate, dated at fort Findlay, on the 26th of June, which acknowledges the receipt of the letter from him of the 18th of June, which I had then received—in which I say "*in the event of a war,*" it will be n

contained in the letter announcing the war which was shown to him on the 2nd of July. It cannot be pretended that he might have seen this last mentioned letter on the 26th of June—because if that had been so there could not have been after the explicit information contained in that letter, any such debate as he states there was between us on the 26th of June, as to the possibility of war having been declared. I do not mean to charge Gen. M'Arthur with a wilful misrepresentation—I have no doubt but that the zeal which he has manifested for my conviction has led him into this mistake. As this is the highest charge against me, he probably has felt the most anxiety that it should be substantiated—and his mind has adopted as the impressions of his memory what are only the results of his wishes. I mark this inaccuracy of Gen. M'Arthur the more particularly to shew that inasmuch as he was so materially mistaken with respect to the contents of the letter, which he states he had in his hand, and deliberately perused, and has confounded what passed at one time with what occurred at another, he may very possibly be as far mistaken in relation to the conversations he has related.

I do aver that in respect to the conversation which he relates as having passed between us on the 26th of June, he is mistaken; or rather he represents it in a manner calculated to make impressions altogether different from what in truth it ought to do. After he had informed me of the letter he had received, quoting the Postscript from General Worthington—and after he had communicated to me what had been said by Colonel Dunlap the bearer of the letters, I might have said it seemed like war, or made use of some expression of that sort—but I deny that I ever said that the *Secretary's letter* seemed like war—on the contrary—that letter induced me to suppose notwithstanding the Postscript from Gen. Worthington and the information of Col. Dunlap, that war could not have been declared.

I beg the court to remark that neither the postscript or the information of Col. Dunlap did state, or could have stated, that war was declared, but merely gave their opinions that war would be declared by the time the letters were received, without stating any grounds for their opinions—considering, however, the opinion of Gen. Worthington, as coming from a source entitled to great respect and consideration, it induced me to think it possible that war might have been declared—But when I found day after day passing without intelligence from the government—when I found that on the 1st of July five days had elapsed since the arrival of Col. Dunlap, and when I felt confident that not a moment would be lost in despatching a messenger to me whenever war was declared—I was satisfied that the information which had been communicated to me through Gen. M'Arthur had no other foundation than those rumors and expectations which had been so long afloat throughout the country. One circumstance was a strong inducement to believe that the relations of peace with Great Britain had not been interrupted. When I left Washington, the secretary of war had told me it was not expected that war would be declared before the 4th of July. This is a fact, though the secretary of war has answered to the ninth interrogatory addressed to him that “he had not such a recol-

lection of the conversation between us respecting the probable time of the declaration of war as to enable him to answer satisfactorily on that subject."—But as I had not on the 1st of July, when I despatched the vessel received myself any information of the declaration of war, I was to presume that the enemy could not have been apprised of that event. It appeared to me an inadmissible imputation on the administration, to suppose it possible that they would suffer information of intended hostilities to be conveyed to the enemy before it could reach their own General.—Yet it was fourteen days after war was declared before I had any information of it—Though it appears that a letter from the secretary at war written on the 18th of June, had reached me at fort Findlay in seven days—and an attention to the dates of the correspondence between me and the war department will shew that the communication between the city of Washington and the army, even when it was in Canada, might be made in eight or ten days. In the secretary's letter to me of the 1st of August which has been read, he acknowledges the receipt of mine of the 19th of July by Capt. Curtis, who left my head quarters at Sandwich on the 20th of July—I never heard that any duplicate of the letter of the 18th of June was written to me, or that the letter was delayed by any accident. Nor do I know that any letter was written to me by the administration after the war was declared, except the one of the 18th of June, until the 24th of the same month, when six days had elapsed. A letter written at Washington on the 18th of June might have reached me by express in five days—But the letter which was to give me the first information of the war, if it left Washington on the 18th or 19th of June, could not have travelled at a greater rate than thirty miles a day.

I think after this statement the court will not say that it was *reasonable* in me to conclude, that it was impossible the administration should have left me ignorant of the war when it might be known to the enemy.

I beg to direct the attention of the court to the testimony of Gen. Cass upon this point. He had a perfect knowledge of all the circumstances with which Gen. M'Arthur and myself were acquainted—he had seen the letter of the 18th of June from the secretary at war, which I received on the 26th. He knew what information Gen. M'Arthur had received from his correspondent and from Col. Dunlap. He testifies that when the vessel was despatched from the Miami, he had no reason to believe that at that time I knew of the war. He had no conversation with me which could induce such a belief. He sent his own baggage and servant by the vessel, which on his cross-examination he says he certainly should not have done if he had had any thought that war then existed.

But it appears that immediately after the receipt of the letter announcing to me the declaration of war—I used every possible exertion to recall the vessel—I refer the court on this point to the testimony of Capt. Fuller. This conduct is entirely inconsistent with the criminal intentions which are imputed to me in respect to this transaction.

It remains for me to notice that part of this charge which states that I put on board the army documents and papers whereby the enemy was



acquainted with the force of the army, the designs of the government, and with the declaration of war.

I do not hesitate to acknowledge that it was improper to trust the documents which were put on board that vessel to such a conveyance, or even for me to part with them in any way, whether in peace or war—But I trust it has satisfactorily appeared to the court from the testimony of Captain Hull—that this was owing to an accident which might have happened to the most careful commander.

I had ordered my baggage to be put on board the vessel, not supposing it possible that the trunk containing my papers could have been considered by my aid-de-camp included in that order—and it was not until after the vessel had departed that with equal surprise and regret I learnt that my aid-de-camp had with my baggage shipped a trunk which contained nothing but papers. There is one allegation in this charge that I feel myself authorized to repel with some indignation—because I think it could only have been made with a view to exculpate others from misconduct at my expence, by an attempt to make it be believed that the enemy derived a knowledge of the war from the capture of this vessel. If this were so how is it to be accounted for that the enemy should have assailed her in a hostile manner before she was captured.

The court will recollect that Lieut. Gooding states, that when the vessel was off Bois-blanc Island, the enemy's armed brig Hunter bore down upon her and that she was pursued by a Batteau from Malden filled with armed men—but that the suggestion that the enemy derived their knowledge of the declaration of war from the papers found on board the vessel, is repelled by the fact that this vessel had no documents on board which could possibly give them that information she could not have had—for I had no such documents in my possession at the time she sailed from the rapids of the Miami. It is also a fact that is now notorious that the enemy had received information of the passing of the act declaring war several days before I had any communication from Washington on the subject. It is as ungenerous as it is unjust to charge the enemy's prior knowledge of the declaration of war to any act of mine. I have now closed my defence on this first specification under the charge of treason—and although I persist in my objection to this court's taking cognizance of that crime—yet I have given the charge a full examination—because the same facts are specified under the charge of unofficer-like conduct—and I shall rely upon what I have now said for my vindication against the specification which relates to this subject under that charge.

To sustain this charge of treason there are two other specifications—one relating to the supposed delay in attacking Malden and the retreat from Sandwich, the other to the surrender of Detroit—But as there is a repetition of these specifications under the two other charges—I shall not now notice them further than to observe that these specifications under the charge of treason, allege that the delay, the retreat and the surrender were all in pursuance of a traitorous combination and conspiracy between me and certain enemies of the United States, whose names are unknown. If the court

had cognizance of this crime of treason, I could not be convicted unless the traitorous combination and conspiracy were proved. I might ask where is the evidence of any combination or conspiracy between me and the enemy—But I forbear with indignation from the examination of such a question—and now when the court has before it all the testimony that the utmost efforts of my prosecutors have been able to bring against me, I ask them to judge from what malignant source the information which could have suggested this charge, must have been drawn.—Some of the witnesses who have testified against me must have furnished the materials from which the gentleman employed by the government to frame the charges must have drawn them. They must then have made suggestions to him which they dare not attempt to support by their own oaths or by one particle of proof, and which could have resulted only from the bitterness of their own hearts towards me.

Pursuant to the arrangement of my defence which I have before suggested—I shall next consider the specifications which charge me with crimes or misconduct, in delaying to attack Malden—in withdrawing the army from Canada, and in making the final surrender.

There are, as I have said, accusations which are not immediately connected with these transactions, and these I shall notice in the course of my defence—But if I should satisfy this court that these cardinal accusations are unsupported; that the measures to which they refer were fit and proper, and such as circumstances required—or if it should now appear, that a different course in respect to either of these measures ought to have been adopted—Yet if I should satisfy the members of this court, that in my conduct upon these occasions I have been actuated by the purest motives and a sense of duty, I trust I shall not be judged criminal—I shall not pretend that I may not have erred—but error and crime are not convertible terms.

When I accepted a commission from the government, I pledged to them my utmost zeal and ability in discharge of the duties of the office they conferred upon me, and I trust that pledge will not be considered as forfeited, though it should appear to this court that on some occasions my judgment may have misdirected me. The profession of a soldier would not be longer honourable, if neither the purest intentions or the most zealous exertions could shield him from criminal imputations on the errors of his judgment.

My defence, Mr. President, on these points, as well as on all others will be a relation of facts and circumstances, and an exposition of the considerations, and motives which have governed my conduct.

You cannot, gentlemen, form a just decision upon my case, nor judge of the considerations which have influenced my conduct, unless you understand what were my views and the views and expectations of the executive officers of the government of the United States, in respect to the Northwestern army—its relations and objects when I accepted my commission in April, 1812.

I feel some embarrassment in presenting to you, this part of my case—I am well aware that it may be said that I am attempting to exculpate myself by censuring others—I well know too that the political feeling

many persons are so sensible and warm, that the slightest imputation of misconduct against the administration will excite their prejudice—and that such prejudices are the more likely to be roused when the charges are made by one who is prosecuted by the administration—But gentlemen I shall say nothing of the officers of the government that is not supported by irrefragable testimony—I shall only present for your consideration facts which are proved by documents before you, and shall make no observations upon them which are not obviously and absolutely necessary for my defence—Much less shall I attempt to charge the administration with any wilful misconduct. I believe every member of it to have been actuated by the purest motives and the most ardent zeal in preparations for, and prosecution of an inevitable war. A war in which I should never have enlisted had I not believed it both just and necessary—and while my country is engaged in such a contest, let my former services to her, let my former character shield me from the suspicion that I would voluntarily say one word that shall lessen the confidence of my countrymen in those, under whose auspices our battles must be fought—and by whose wisdom and strength our misfortunes are to be redeemed, and our honour is to be saved.

But in my own vindication, and in defence of that honour which the government have now put at stake, I am obliged to say, that the army I commanded had not that co-operation and support which when I accepted my commission the government gave me reason to expect—and without the prospect of which, I should never with the force that was placed under my command have thought of carrying on offensive operations against Upper Canada—nor even have placed my army unless in obedience to orders in the situation in which it was after its arrival on the waters of Lake Erie.

When I accepted the command of the North-western army, I did not suppose that in the event of a war with Great Britain, the force of that army would be adequate to conquer Upper Canada—Nor did I believe that the administration had such an opinion:—But on the contrary I did understand, and such it will appear was the understanding of the executive officers of the government, that in the event of a war the operations of my army would be strengthened and secured by a competent naval force on Lake Erie, and by the direction of other forces against the enemy's territory. Had these expectations been realized, instead of having lingered out so many months as a prosecuted criminal, instead of now standing before you as an accused, I might still have shared my country's confidence—The foul charges to which I am now to answer would not have thus blasted the laurels of my youth—But even in the wilds of Canada and amidst these whitened locks they might have retained their pristine verdure.

I proceed gentlemen to turn your attention to the documents, by a reference to which I mean to shew what were my views and expectations, and what I had a right to suppose were the views and expectations of the administration on the subject which we are now considering.

The first paper read by the Judge Advocate was a memorial addressed by me in 1809, to the then secretary at war.

From this memorial the following is an extract :

" My residence at Detroit for four years has given me some knowledge of our Northern and Western frontier—and I take the liberty of communicating to you such facts as have fallen under my observation. The opinion I have formed—and the measures which appear to me the most expedient under the existing state of things."

After a variety of suggestions, and among others, that though war should not take place, it would be necessary to have a larger force in Upper Canada than was then there—the memorial is as follows :

" I would likewise suggest for consideration the expediency of building some armed vessels on Lake Erie, for the purpose of preserving the communication—consider, you have *three military posts* to the North and West of these waters, and no other communication with them."

It is true this memorial was written in time of peace—but the suggestion as to the naval force could only be with reference to its use in war. I do not know for what purpose this memorial was read by the Judge Advocate, unless it were to shew of what importance I thought our possession of Detroit—Sir, my opinion on that subject has ever been and is yet the same as is expressed in that memorial—I thought the administration had the same sentiments—and therefore I was the more firmly persuaded that the administration would have taken every possible means to support the army which was sent for its protection. At the moment I was surrendering that fortress, a conviction of its great importance increased the poignant regret I felt for the necessity of the measure.

On the 6th of March, 1812, which was about a month before I was appointed to a command in the army, I addressed another memorial to the administration which is so important to shew my views with respect to the force to be directed against Upper Canada in the event of a war, that I beg leave to read the whole of it—It is in the following words :

" WASHINGTON, 6th March, 1812.

(COPY.)

" Sir,

" The prompt manner in which you have adopted measures for the protection of Detroit and the other settlements in the territory of Michigan, inspires me with confidence that such ulterior arrangements will speedily be made as the peculiar situation of that section of the United States may require.

" How far the measures already adopted will give security to that part of the country in the event of war with Great Britain, is a subject worthy of consideration.

" Officers of a company have been appointed with orders to recruit in the territory.

" The secretary acting as governor has been authorized to make a detachment of four companies of militia and call them into actual service.

"The commanding officer of fort Detroit has been directed to erect batteries on the banks of the river Detroit for the protection of the town.

"These, as incipient measures I very much approve, and was particularly pleased with the decisive manner they were adopted. It must be apparent however they add no *physical* strength to that section of the country. The force already there is only better organized and prepared to be called into action. By comparing this force with the force which may be opposed to us, will evince the necessity of additional means of defence, if the territory is worth preserving.

"In the fort of Detroit I understand by the last returns there are less than one hundred regulars—the population of the territory is less than five thousand—and this population of the territory principally of Canadian Character—Connected with the post of Detroit, and three hundred miles North, is the island of Michilimackinac, where is a fort garrisoned by a company of regulars. Near the South bend of Lake Michigan on the Westerly side is fort Dearborn, likewise garrisoned by a company of regulars."

"This is all the force on which we can at present calculate for the safety of our frontier and for the protection of the Indians which the United States are bound by treaties to afford.

"No support can be derived from the Indian Nations, even in the event of war, because our officers are instructed to advise them to remain neutral—and not to accept their services if they should be offered.

"I will now consider the British force opposed to this part of the United States.

"A fort at Amherstberg at the mouth of the Detroit river, garrisoned by about one hundred British troops—another fort on the island of St. Joseph's at the mouth of the river St. Mary's, garrisoned by about fifty British troops—two armed ships on Lake Erie, which command the waters and would prevent all communication from the States through that channel—a population of at least fifty thousand in that part of Upper Canada which is connected with the Detroit river and Lake Erie, and could easily be brought to operate against our settlements—about four thousand men, principally Canadians employed in the Indian trade and under British influence—and lastly may be reckoned all the Indians in Upper Canada, and a large proportion of the powerful nations residing in the territory of the United States, who now hold a constant and friendly intercourse with the British agents, and are liberally fed and clothed by the bounty of the British government.

"It appears from this statement that the British force which can be brought to operate against us in the territory, is more than ten to one, without including the Indians.

"It requires no difficult reasoning to determine what must be the consequence—that part of the United States *must* fall into the hands of the British government, with all the inhabitants—the forts at Chicaga, Michilimackinac and Detroit, and all the public stores, with the public and private vessels on the Lake.

"This will give our enemies the entire command of all the country North and North-west of the Miami of Lake Erie—and the settlements on the western part of the state of Ohio, will be subject to the depredations of the powerful northern nations of savages. There is nothing in my opinion, (in the event of war) can prevent this state of things but an adequate force on the Detroit river, opposite to the settlements in Upper Canada. It may be asked how is this force to be placed there, and how is it to be supported? If sir, we cannot command the Ocean, we can command the inland Lakes of our country—I have always been of the opinion that we ought to have built as many armed vessels on the Lakes as would have commanded them—we have more interest in them than the British nation, and can build vessels with more convenience. If, however, there is no intention of the kind, that communication must be abandoned until we take possession of the Canadas.

"The army which marches into the country must open roads through the wilderness, and the supplies and provisions of whatever else may be necessary, must pass by land through the state of Ohio. If the conquest of the Canadas is the object of the government, they will then have an army in a proper situation to commence the operations, and at the same time protect the defenceless inhabitants and control the Indians within our territory. The answer probably may be, it is more expedient to leave the Michigan territory to it's fate, and direct the force to Montreal. This will prevent all communication by the St. Lawrence with Upper Canada, and it must of course surrender. In this expectation I think it probable there would be a disappointment—if a force is not sent sufficient to oppose the British force which may be collected at Amherstberg and it's vicinity, Detroit, Michilimackinac and Chicaga must fall—the inhabitants must once more change their allegiance, and the Indians become the exclusive friends and allies of the King their great Father. In the garrisons at these places they will find large quantities of arms and military stores of every kind.—Upper Canada and our country of which they will be in the possession, will furnish them with provisions—How then will Upper Canada be conquered by possessing Montreal? They will be in the quiet possession of their country and a part of our's—and how are they to be approached? You cannot approach them by water, because they command the Lakes—In approaching them by land you must pass through a wilderness filled with savages under British control, and devoted to British interest. The consequences of such an attempt may probably be best learned from the history of the campaign in that very country conducted by Gens. Harmer, St. Clair and Wayne. In Upper Canada they have a governor who is a Major Gen. in their army—who commands the regular troops, the militia and the Indians—the whole force of the country is therefore combined under his command and may be directed to a single point without any collision.

"From the preceding state of facts and observations it must be apparent that for Detroit and the settlements in it's neighbourhood—and likewise Michilimackinac and Chicaga under present circumstances are in th

power of the British—and that their possession of them would be extremely calamitous to the United States.

“ In the event of peace with England I am of opinion that the northern frontier ought to be better protected than it is at present in the event of war—and the object being the reduction of the provinces of Upper and Lower Canada, I think it must be evident that the establishment of an army at Detroit, sufficient to defend that part of the country, control the Indians, and commence operations on the weakest points of defence of the enemy, would be an incipient measure indispensably necessary. With respect to the other points of attack I shall make no observations, as I probably shall have no agency in them. In considering this subject I have endeavoured to divest myself of all local feelings, and grounded my observations and opinions on public considerations alone.

“ Two things appear to me to be certain, one is that in the event of war, the enemy will attempt to take possession of that country, with a view to obtain the assistance of the Indians residing in our territory; and the other is, that under its present circumstances of defence, it will be in their power to do it. A part of your army now recruiting may be as well supported and disciplined at Detroit as at any other place. A force adequate to the defence of that vulnerable point, would prevent a war with the savages, and probably induce the enemy to abandon the province of Upper Canada without opposition. The naval force on the Lakes would in that event fall into our possession—and we should obtain the command of the waters without the expence of building such a force.

“ The British cannot hold Upper Canada without the assistance of the Indians, and that assistance they cannot obtain if we have an adequate force in the situation I have pointed out.

“ There is another consideration very important. It will do more to prevent a general Indian war, as far West, and beyond the Mississippi, than any other measure. The Indians cannot conduct a war without the assistance of a civilized nation.

“ The British establishment at Amherstberg is the great emporium from which even the most distant Indians receive their supplies. A force at the point I mentioned would prevent all communication of the Indians with that post—indeed sir, in every point of view in which the subject can be considered, it appears to me of the first importance to adopt the measure.”

I am very Respectfully  
Your most ob't servant,

WM. HULL.

To this document is annexed a copy of a letter from me to the secretary at war, and the two documents are certified as authentic documents in the following words:

“ Copy of the Original on file in the War-Office.”

D. PARKER, Chief Clerk.

Can it be supposed, after this exposition of my views of what would be the enemy's force and situation, that I could ever have taken the command

of about four hundred regular troops and sixteen hundred militia, to effect by means of such a force, without any assistance or co-operation, the conquest of a province, a part only of which I had represented as containing fifty thousand inhabitants? That I could have contemplated an attack on an enemy, having at its disposal a body of regular troops, the control over countless savages, and the great advantage of the command of the Lakes and waters? This memorial was received and approved by the government. This in itself is proof of their adoption of its sentiments—and that it was their opinion as well as mine, that in the event of a war, such an army as was put under my command could do nothing offensive, without we had a naval force on the upper Lakes—and without a co-operation on other parts of the enemy's territory, which should distract his attention and prevent his bringing the greatest weight of his power on a single point.

A few days after I was appointed to the command of the North-western army, I presented another memorial to the President, through the war department, in which I was explicit as to what might be expected from such a force as I was to lead—as to the necessity of reinforcements, of our commanding the Lakes—and the necessity of a co-operation in other quarters. My draft of this memorial I have lost in the way which I shall hereafter explain. The existence of the original and its general purport is proved by Mr. Eustis, who in his answer to the 6th and 7th interrogatories addressed to him, says: "I have a perfect recollection of your having presented the memorial referred to in the interrogatory—I recollect he adds, your attendance by appointment at the war office—the memorial, or that part of it which related to the naval defence of Lake Erie, was referred or communicated to the secretary of the navy, who was present—The brig Adams, which had been employed as a transport, under direction of the war department, became the subject of conversation—whether she was (being then on the stocks repairing) actually transferred to the war department I do not distinctly recollect—if that was the case, the evidence is on record."

Yet this memorial, or a copy of it I have never been able to obtain. I have applied for it to the secretary of war—He referred me to the secretary of the navy—the secretary of the navy to Mr. Dallas—to him I applied—and he referred me to the present Judge Advocate who knows nothing of it: And finally when my trial commenced in this city, I addressed a letter to the President of the United States, requesting him to interpose his authority, to procure me a document, which I considered so important in my defence—it was, sir, too much for me to have expected an answer from the President himself, though the time was when such an answer would not have been considered as conferring too great an honour.

The President referred my letter to the gentlemen at the head of the war and navy departments—They also would not condescend to answer my letter, but handed it over to their clerks. The elevation of these gentlemen seems to have rendered them giddy. I ask, would it not have corresponded with the importance of the occasion, the decorum due to an old



man and a veteran soldier, not yet convicted of any crime—for the secretaries themselves to have addressed me?

But in answer to my letter, I received a letter from the chief clerk in the war office, dated February 12, 1814—with a certificate from the chief clerk in the navy department. The letter from the war office is in the following words:

WAR OFFICE, Feb. 12, 1814.

SIR,

Your letter of the 1st inst. addressed to the President of the United States has been referred to me—In answer to which I have the honour to state, that all your communications to the War department after you were appointed Brig. Gen. in the army, have been transmitted to P. S. Parker, Esq. Judge Advocate of the court martial now setting at Albany, together with such others as you had required as far as they could be found on the files of this office. The public records of papers of the war department have been constantly within my observation and charge for several years past; and I assure you, Sir, I have never seen or heard of “a memoir pointing out the necessity of a navy on Lake Erie. Since the receipt of your letter I have carefully examined the files and enquired of every gentleman attached to the department, without being able to give any information on the subject.”

I have the honour to be, Sir,

Very respectfully, your ob't servt,

DANIEL PARKER, CLK.

Brig. Gen. WM. HULL, Albany.

It is unaccountable, Mr. President, that a public document of this nature should be lost—that it did exist, and was on the files of the war office, is proved beyond controversy, by the deposition of the late secretary at war, who swears, that he has a *perfect recollection of it*. But a most extraordinary part of this letter from the war department, is that which states that the writer has had the public records and papers of the war department constantly under his charge and observation for several years past, and yet that he never knew or heard of a memorial, pointing out the necessity of a navy on Lake Erie. Mr. President it is a fact hardly to be credited, that the copy of the memorial of the 6th of March, 1812, from which I made that copy which I have just read to the court, is certified as a true copy from the files of the war office by the *very gentleman* who writes me the letter of the 14th February. Let me quote from the memorial of the 6th March, or rather from the copy certified as I have mentioned above, a passage which is in the following words: “If sir, we cannot command the ocean, we can command the inland lakes of our country. I have always been of the opinion that we ought to have built as many armed vessels on the lakes as would have commanded them. We have more interest in them than the British nation, and can build vessels with more convenience. If, however, there is no intention of

the kind, that communication must be abandoned until we take possession of the Canadas."

When the writer of the letter had certified a copy of this memorial but a few days ago—how could he say, that he never knew or heard of a memorial, pointing out the necessity of a navy on Lake Erie?

I will not presume, sir, that the writer of the letter intends an equivocal, and designs that his meaning shall turn upon the use of the word *necessity*. This I think would not be consistent with the solemnity of the occasion on which his letter is written—nor sir, would it serve him—because it is impossible to read my memoir of the 6th of March, without perceiving that I do from the beginning to the end, point out the necessity of a navy, in every sense in which the word necessity can be applied on such a subject. I am very far sir, from meaning to insinuate in the utmost degree that the letter from the clerk of the war department contains any intention of misrepresentation. His character and station protects him from such a suspicion, and as the memorial which proves the inconsistency of the letter, has been furnished, the declaration in the letter, could not have been made with any sinister design—and I have only trespassed on the patience of the court, with these observations on this subject, to shew that as the memorial of the 6th of March, 1812, has been so entirely forgotten at the war-office, the certificate from thence that a memorial pointing out the necessity of a navy on Lake Erie, was never read or heard of, there is no sort of evidence that another such may not have existed as well as that of the 6th of March.

The certificate from the navy department has been read—it will appear in the minutes—and I shall trouble the court with no remarks upon it.

In respect to this memorial, I can now only rest upon my own declarations, which I think when I am in this manner deprived of the benefit of the paper, I am authorised to make. It did contain a representation in the most explicit and strongest terms, of the necessity of our having a naval force superior to the enemy on the lakes, and that without it, and unless the army I was to command was strengthened by additions to its numbers, and unless it were followed by detachments to keep open the communication, and insure its supplies from Ohio, and unless it was supported by co-operations in other quarters, my army could not be able to maintain itself at Detroit, much less carry on offensive operations in the enemy's country.

That such were the views and sentiments of the government as to my expedition, as well as my own, and that I was not expected to do more than, protect Detroit and that quarter, and to keep in awe the Indians, will further appear from the facts and documents to which I shall now refer.

Upon this subject, I beg to turn the attention of the court to the testimony of General Porter. It will prove not only how pressing I was on the subject of a naval force with the Secretaries, but with the President himself. The deposition of Captain Charles Steward of the navy, states, that at an interview he had with the Secretary of the Navy, in the beginning of

April, 1812, the Secretary informed him, "that it was contemplated to give him the command on the Lakes—that a naval force superior to the British on the Lakes, had been strongly urged by General Hull, *as essential*, and as a certain means of ensuring to the army success.

I beg the court to notice that it is here stated, that I had *strongly urged* that the command of the Lakes was *essential* to success.

The first letter which I received from the Secretary of War after my appointment, and which is dated the 9th of April, 1812, describes the force which was to be under my command; the description of itself I presume must preclude an idea that it could have been intended for invasion or conquest; but its objects are expressed in this letter. I am directed as the commander of that force, to "adopt such measures with the chiefs of the several tribes of Indians, as might, in my judgment, appear to be best calculated to secure the peace of the country."

In the first letter which I received from the war department, dated the 18th of June, and which was delivered to me on the 26th of the same month—I am directed to pursue my march to Detroit with all possible expedition; and the second letter, from the Secretary at War of the same date, which announced to me the war, gives me the same positive command to proceed to that post. If the army I commanded, had been deemed competent to carry on offensive operations against the enemy, without any assistance or support, my orders would certainly have been of a different nature. It would have been left to my discretion to pursue such measures, as I might have judged most efficacious. With an army competent to make an invasion, Detroit would not have been the point from which it should have been made.

A station opposite to Amherstberg, would have been on many accounts a preferable position; but Detroit was the proper situation for the army, for the purpose of protecting the territory and inhabitants of Michigan, and of keeping in awe the Indian tribes.

I beg that it may be observed, that I do not pretend that it was not contemplated, that the army I commanded when I was appointed to it, might be employed in offensive operations against the British in the event of a war; but I am endeavouring to shew, and I trust shall satisfy the court, that neither myself or the officers of the government, ever supposed it would be competent to act as an offensive army, unless it was assisted and supported; or unless as was supposed might be the case, such a *defection* of the inhabitants of Canada to the government, and a *union* of the Indians with us, should happen on the appearance of my army, as would in a great measure destroy the enemy's means of resistance.

The next letter I received from the Secretary at war, is dated the 24th of June, 1812. This letter informs me, that I am authorized to commence offensive operations. This would not have been the language addressed to me upon this occasion, if the government had supposed I had a force sufficient to commence such operations. In that case, I should have received a command instead of an authority. In this letter, the Secretary adverts to

my taking possession of Malden; but not as if he supposed I had the power of doing it. I am not to make the attempt, unless the force under my command, should be equal to the enterprise; nor unless I could do it consistently with the safety of my own posts.

The caution which it is thought necessary to communicate to me by this letter, to be limited in my assurances of protection to the Canadians, and the notice that it conveys me that an adequate force cannot be relied upon for the reduction of the enemy's posts below, is evidence that my army was not thought sufficient to maintain itself in the enemy's country without assistance and co-operation.

In my letter to the Secretary at war of the 9th of July, 1812—which is in answer to that I have last mentioned, in which I am told that I am authorized to commence offensive operations, I expressed in the most explicit terms my opinion of the inadequacy of my force to the only offensive operation which could be undertaken from that quarter—My words are—"The British command the water and the savages—I do not think the force here equal to the reduction of Amherstberg—you must not therefore be too sanguine." I beg the Court to remark that this letter was written immediately after my arrival at Detroit, and a few days before I passed into Canada—of course before I had any knowledge of the fall of Michilimackinac—an event which had so decisive an influence on my subsequent operations.

On the 10th of July I wrote two letters to the Secretary at war, both on the subject of provisions for the army—I mentioned to him in the first that the contractor could not furnish the supplies on account of the lakes being closed against us by the British naval force—In the second letter, I reiterate the same information, and also inform the Secretary that I have made a new contract for provisions, which as they cannot be transported on the lake, must be carried on horses from Ohio through the wilderness. My letter concludes with these words: "The communication must be secured, or this army will be without provisions. Troops will be absolutely necessary on the road to protect the provisions. This must not be neglected. If it is, this army will perish by hunger."

The receipt of these letters is acknowledged by the Secretary at war in his letter to me of the 26th of July, 1812. To this letter from the war department I wish particularly to direct the attention of the Court. It shews that the Government well understood the situation of my army, and how much it stood in need of assistance and support.

By this letter I am informed, that Governor Meigs has been directed to furnish troops to guard the road and insure the transportation of provisions, that General Winchester had been ordered to reinforce me with fifteen hundred men—that a force was collecting at Niagara—that the commander in chief would be apprised of my situation, and directed to take measures to afford me the necessary support.

It is not my intention at this moment to shew that none of the expectations which this letter authorized, were ever realized. I now refer to it only as I have mentioned to prove that the officers of the executive govern-

ment must have considered my army, situated as it was, incompetent to carry on of itself effectual operations against the enemy.

In my letter to the Secretary at war of the 19th of July, are the following paragraphs.

"If you have not a force at Niagara, the whole force of the Province will be directed against this army." It is all important that Niagara should be invested—all our success will depend on it.

There has been read by the Judge Advocate a letter from the Secretary at war to me, dated the 1st of August. This letter I never received. It however shews no less on that account how necessary it was thought that a decision should be made in favor of the army I commanded. I therefore extract from it the following paragraph.

"On the 26th July your letters of the 7th and 10th were inclosed to General Dearborn, with a copy of mine to you of the 26th, accompanied with a request that he would make a decision in your favour. The General must have received this letter at Albany. By the mail of this evening your's of the 29th is inclosed to him, with an instruction to make a diversion at Niagara and Kingston as soon as practicable."

In another letter from the Secretary of war of the 1st of August, he acknowledges the receipt of my proclamation to the Canadians. I now refer to that proclamation merely to direct the attention of the Court to that part in which I say "that the force I commanded was but the vanguard of a much greater"—I do this to shew the confidence I then had that the corps I commanded was to be reinforced and supplied.

On the 20th of August the Secretary of war addressed a letter to me which I did not receive—but from which I here quote a paragraph to shew how necessary he thought co-operation was for my support.—The paragraph is in the following words—"Orders have been given to General Dearborn to attack the enemy's posts at Niagara and Kingston as soon as may be practicable. Our force at Niagara, according to General Dearborn's account, will amount to twenty-four hundred—and he will notify you of such movements and operations as he may order."

It is from these documents which have all been introduced by the Judge Advocate, that I prove what I have undertook to do—that when I took command of the north western army, it was understood by the Administration, as well as by myself, that in the event of a war with Great Britain, my force was to be augmented—that my communication with the State of Ohio was to be preserved by troops from that quarter—that the Lakes were to be commanded by us—and that my operations were to be facilitated by divisions on the frontiers below me.

The Court will hereafter perceive what an important influence a disappointment in all these particulars had on the events under consideration, and will not therefore I hope think I have uselessly trespassed on their time by detaining them so long on this part of the subject.

I cannot, however, omit one farther remark. I would ask the Court if subsequent events do not exclude a supposition that the Administration did expect that my army was in all events to be of itself adequate to the invasion

and conquest of the enemy's Country—unless it be admitted that there was an entire ignorance of what was necessary to accomplish these objects—for we have since seen General Harrison with an army more than quadruple to that which I led, for more than a year threatening the enemy on the same point where he was invaded by my army—and though ten thousand troops were co-operating with him on the points where I had been led to expect co-operation—yet he had not dared to set his foot on the enemy's shore 'till after our glorious naval victory on lake Erie—and was then obliged to content himself with the possession of no greater territory than his troops could cover.

I must entreat the Court before I proceed to the consideration of other matters to indulge me with the repetition of a remark which is so necessary for the understanding the subsequent parts of my defence, that I am anxious to impress it on their minds. It is that though as I have said, and I trust I have proved it was understood both by the Administration and by myself, that the force which I commanded would not in all events in case of war be competent to the invasion and conquest of Canada—yet both the officers of the Executive Government and myself did contemplate that in certain events I might with the army which I led subdue the enemy's posts in the Upper Canada—It was contemplated and believed that there would be a very general defection of the Inhabitants of that Province—and that many of them would arrange themselves under the American Standard—and it was also contemplated and believed that it would be possible for me to draw from them the aid of the Savages.

When I landed in Canada, and previously to the fall of Michilimackinac, there was every reason to believe that these expectations would be realized. Until that event took place, of which the enemy had notice about the 2nd of August, I had those sanguine hopes of success which I had expressed in my proclamation and in my communications with the war office—But after that misfortune, the scene was entirely changed; from that moment I saw that although it was possible that I might obtain temporary advantages—yet that they would eventuate in the greatest disasters, unless I was aided and supported from other quarters.

Thus gentlemen I have endeavoured to shew you that I took the command under the expectation that in the event of a war, the operations of my army would be assisted by a competent force upon the Lakes—by detachments to keep clear the communication which I had opened through the wilderness—and by the co-operation, or at least such a demonstration of force against other parts of the enemy's territories, as would prevent his directing all his energies to the point where I might meet him—But it unfortunately happened that none of these expectations were fulfilled.

The effects of these disappointments will afterwards be considered.

The Court then adjourned to meet to morrow morning at eleven o'clock.

*Wednesday morning, March 16th, 1814.*

The Court met pursuant to adjournment—present all the members.

General Hull appeared in Court: Capt. H. F. Hull's affidavit read by General Hull

General Hull then proceeded to read his defence as follows :

I now assume my vindication of the measures which form the most prominent features in my accusation ; that is to say *the delay at Sandwich, the retreat from thence, and the surrender at Detroit.*

It is necessary for me to explain the views and intentions I had, when I yielded to the importunities of my officers and crossed to the enemy's country.

It must be recollected that the orders I received in the letter of the 18th of June, which announced the war, directed me to proceed to Detroit and *there* to wait for further orders.

Finding that an impatience to cross, had been excited in the army, which was likely to be extremely injurious to my authority and the discipline of the troops, I called a council of war, and laid before the officers, the orders by which I was then *bound*, and asked their advice, as to the expediency of crossing. The council, notwithstanding my orders were of opinion that I ought to cross. I did not feel myself at liberty to follow their advice, and determined not to do so.

But on the same day I received the Secretary of war's letter of the 24th of June, in which he says—"Should the force under your command, be equal to the enterprise, and consistent with the safety of your own posts, you will take possession of Malden, and extend your conquests as circumstances may justify."

I did not think the force under my command equal to the conquest of Malden, nor did I think that with such a *length of line of communication* as it was requisite for me to keep open, I ought to make the attempt. My letter to the Secretary at war dated on this same 9th of July, which I have already quoted, expresses this opinion of the incompetency of my force *in terms not to be misunderstood.* Yet as soon as I had received this last mentioned letter from the Secretary, I determined to take post in the enemy's country—My reasons for this determination were that I hoped thereby to satisfy the impatience of my officers, and preserve the confidence of my army, which, expressions of discontent were likely to impair—I should command the streights, and thereby prevent the enemy from sending succours to their northern posts, or carrying on the important trade of their north western company. I knew that it would have a great effect upon the Indians, to shew them the American flag, flying on both shores ; and I hoped, by establishing myself at Sandwich, to facilitate and increase the defection to the British Standard, which had manifested itself among the inhabitants and militia, and their Indian allies. My views in taking post in the enemy's Territory, are expressed in my letters to the Secretary of War. Sir, my letter of the 9th of July, I had as I have above mentioned told him I thought my force incompetent to attack Malden. In my letter of the 13th, written from Sandwich, I say "I consider the possession of this bank as highly important—by erecting one or two Batteries opposite the Batteries at Detroit, the river will be completely commanded. In the rear of the army on the *Detroit river, Lake St. Clair, and the river Le French*, is a populous and valuable part of the province. It is likewise probable, when the Indians see the American Standard on both sides the river, it will have a favourable effect."

I intended, nevertheless, without loss of time, to make preparations for putting in a State of service, my field Artillery, for an attack on Malden; and whenever that should be ready, and I should find that the enemy's force was most likely to be further weakened by desertions, I would make the attack, if I had a prospect of co-operations and support from below—without which I thought, and I *think* recent events will prove that I thought correctly, I could neither preserve my own posts on our side of the river, or that which the enemy then possessed, if I should be so fortunate as to wrest it from him.

My officers, however, were not less importunate for proceeding immediately against Malden, than they had been to cross the river. I felt myself compelled to yield to their importunity, and had appointed a day for the attack. But before that day arrived, I received intelligence that determined me to postpone the enterprize and to recross to Detroit.

As preliminary to my vindication of these measures, it is important to consider what numerical force I could command when I crossed into Canada, its nature, and the probable force and strength of the enemy.

In every stage of this trial, I have felt as a great misfortune, the want of that documentary evidence, which might be expected from me. This arises from the loss of the Packet which sailed from the Miami—and from the more recent loss of all my baggage, and most of my papers. When I left Detroit a prisoner, I left my baggage with my daughter Mrs. Hickman, to be carried to my house by her. She soon after embarked in the enemy's brig Adams for fort Erie. On her arrival there, she was permitted to go to Buffaloe, leaving her own and my baggage on board the brig. The same night the brig was taken by Commodore Elliot, retaken by the enemy and burnt, with all my baggage on board. This loss of my documents, has left the witnesses who testified against me, to speak on many important points, from estimation and conjecture—and they seem to have availed themselves of the liberty, so as always to make their estimates such as would be most against me—I shall myself be obliged often to speak of numbers from conjecture and estimate—but when I do so, I shall endeavour to present to the court the data on which my estimates were founded.

Major Jessup, the Brigade Major, says, that we moved into Canada with sixteen or eighteen hundred men—now neither the Michigan Legion, or the Michigan militia crossed with the army into Canada, and besides, there were, as the court will recollect has been testified by several of the witnesses, a portion of the Ohio volunteers who refused to cross, this number was about 180. Major Jessup further testifies, "That some time early in August, a few days previous to leaving Canada, he was called into a council of war to explain a report of brigade, and that there were then eighteen hundred effective men in *Canada and at Detroit*. The Michigan Legion were included in the 1800, but the Michigan militia, were not."

Now if there were but 1800 belonging to the brigade at this time, including all that were either with me in Canada, or at Detroit, and includ-



ing the Legion, how could 16 or 18 hundred have crossed with me. At the time that this report of Major Jessup's was made, we had lost but few of the troops that had crossed, and from the amount which he gives of the whole forces at that time, to ascertain what was the number that crossed, must be deducted the Michigan Legion and the Ohio volunteers that refused to pass the river. This will leave an amount much short of the sixteen or eighteen hundred, with which Major Jessup says we passed into Canada.

The court will remember that by a muster-roll and return, made at Fort Findly on the 26th of June, which has been exhibited by the Judge Advocate, the whole force which I then had under my command, amounted to 1,950. I was obliged to leave detachments at M<sup>r</sup>Arthur's block house, at Fort Findly and at the Miami. There were about forty invalids taken in the vessel that sailed from the Miami. I left some sick at the river Raisin, and the whole force with which I arrived at Detroit, I am convinced, did not exceed 1500 men—and I am confident, that the force with which I passed into Canada, did not exceed fourteen hundred. What proportion of the militia which I had with me at Sandwich would have been effective to lead against the enemy, the court may judge from general experience.

Major Van Horn has testified that when detachments were ordered, it was always found that not more than two thirds of the command ordered could be marched. I do not believe that at any time I could have led 1500 effective men against Malden, of these there was only Col. Miller's regiment of less than three hundred, that had seen any service—The rest were Militia, who though, they were very ardent and patriotic in their expressions, had had no experience, and neither men or officers had ever been tried. It is not extraordinary that I should have felt some want of confidence in these raw-troops for such a contest as we must have expected before Malden, when it appears by the testimony of Col. Miller, that their own officers were not willing to be responsible for their firmness in an assault. Col. Miller states that in a council in which the propriety of attacking Malden was discussed, at which Gen. M<sup>r</sup>Arthur, Gen. Cass and Col. Findly were present, "Gen. Hull said, if we would answer for our men, he would lead us to Malden. I told him I would answer for the men I commanded, but the others said they would not be responsible for their men, but believed they would behave well."

I know, sir, that it may be said that my proclamation to the Canadians and my letters to the secretary at war, hold a different language. That in these I speak with confidence of attacking Malden, and of the excellence and sufficiency of my force. And I presume the specifications refer to my proclamation and to these letters, when they allege that I had declared and avowed my intention of attacking and subduing Malden. I cannot conceive that these declarations could prove me guilty, if my measures without them, would not have been so. I do not see that they can in any way be made the test of the propriety or impropriety of the course I pursued. It would be hard indeed, if every general were to be judged criminal, who did not accomplish all the intentions he may have avowed.

This would be a rule, which I presume, there are *many generals* would not consent to establish. If it were adopted, no change of circumstances would justify the relinquishment of a design once formed.

I think, when it is considered under what circumstances my proclamation was published, it will not be thought just to adduce it as evidence against me on this occasion. I was then in an enemy's country, the inhabitants of which were sufficient, independent of his regular force, which was established near me, and of his Indian allies, to overwhelm the army I commanded. I had no prospect of even maintaining myself, much less of making conquests, unless I could induce a great portion of those inhabitants to forsake his standard. It was incumbent on me to use all means to deprive him of aid from the savage tribes. I knew that these two objects could only be effected by representing myself as having the utmost confidence in the force I commanded, and that it was able to overcome all opposition. With these views I published the proclamation. And indeed the force I commanded would have been equal to all I represented, had the same spirit of desertion and defection continued, which had manifested itself in the enemy's country, when we first invaded Canada.

But unfortunately before we retreated, all calculations founded on this basis had failed.

In my letters to the war department, down to the latter end of July, I speak with confidence of attacking Malden whenever the field artillery shall be prepared. But I beg the court to recollect, that this confidence was grounded upon the expectation that I then entertained, that the enemy would be weakened by the desertion of his militia, and the abandonment of the Indians. In all my letters which speak of the intended attack, I mention also the daily desertions from the enemy's standard. That I did not rely on the competency of my own force, until the enemy's should be reduced, must appear from my letter of the 9th of July, to which I have more than once referred.

About the first of August, we received the account of the fall of Michilimackinac. On the fourth I wrote a letter to the secretary from which the following are extracts:

"At the time the army under my command took possession of this part of the province of Upper Canada, every thing appeared favourable, and all the operations of the army have been successful. Circumstances have since occurred which seem materially to change our future prospects. The unexpected surrender of Michilimackinac, and the tardy operations of the army at Niagara, are the circumstances to which I allude. I have every reason to expect, in a very short time a large body of savages from the North, whose operations will be directed against the army."

After these observations I do not believe that the court will think that it is to be justly inferred, either from my proclamation, or from my letters, that I considered my force under any circumstances which existed before we left Canada competent to the reduction of Malden.

The force of the enemy, Lieut. Forbush states was towards the last

July about 170 regulars, and 550 militia. The Indian force could never be ascertained with any precision—it could not have been less than near a thousand. I always supposed the enemy's force greater than this information makes it. But whatever may have been the force of the enemy, it must have been estimated as very considerable by some of my officers as well as myself. The court will recollect, that when I made the detachment under Col. Van. Horn to the river Raisin, and Cols. Cass and M<sup>r</sup> Arthur remonstrated with me against the sufficiency of this force, they each proposed to go on that expedition with his regiment. If the enemy had not appeared to be somewhat formidable to them, they could never have advised me to make so large a detachment as six hundred men, on a service, in which they could only have expected to meet a small part of his force. Col. M<sup>r</sup>Arthur has offered other evidence of his opinion of the power of the enemy. For when I proposed to leave him with his regiment on the Canada shore, he charged me with having an intention to sacrifice him, by leaving him with such a force at that post, although he would have been in an intrenched camp, with artillery, where he would have had also some protection from the guns at Detroit, and would be in reach of instant support from thence.

The fort at Malden I was well acquainted with. In time of peace I had often been in it. I knew that it was capable of being made a place of strength, and that in contemplation of a war, the British for some time, had been using great exertions to put it in the best possible state of defence. I knew for near twenty years a field officer had commanded, and about an hundred regular troops had constantly been stationed in it, and that there always had been a regular corps of British artillery attached to the command. The question was, whether the troops I had under my command, so few of whom had ever been tried, I was to attempt to carry this fortress with the bayonet? For myself particularly, when I considered what would have been the consequences of an unsuccessful attempt, I had a strong conviction that it would be wrong to make the effort, until we could have the advantage of heavy artillery. But finding that many of my officers who had seen no service, were impatient at delay, and were destroying my influence with the army, and its discipline, by their complaints and censures—for their satisfaction, and not for my own, nor for my own justification, two days after I crossed, that is, on the 14th of July, I called a council of war, in which it was decided that no attempt ought to be made on Malden, without the heavy artillery. My utmost exertions were then used to get in readiness the two twenty-four pounders and two howitzers which were at Detroit. Carriages were to be made for them entirely new. Though a delay in these preparations is one of the charges made against me, not a witness has attempted to support it. Indeed, gentlemen, I dare appeal to every officer who was with me, and who is willing to speak the truth, whether I did not use all possible means, and make all personal exertion to accomplish as speedily as possible this desirable object. I several times crossed the river myself, to inspect and hasten the artificers. I ordered plank to be taken off my own

house to furnish a necessary part of the materials for the gun carriages. Capt. Dalliba in his second examination states, that he received an order to prepare the heavy artillery, after the army had crossed to Canada—he thinks it was on the 15th or 16th of July. My recollection is that the order was given on the 14th, that is, the day after we crossed, and on the very day that the council of war advised that the attack should not be made without the heavy cannon. From that time it is not pretended there was any delay in preparing them for service, and could not have been, without the fault of the officer who was trusted with the service. Until we crossed to Sandwich, the artificers were employed, as appears by the testimony of the same witness, in mounting the guns of fort Detroit. I beg the court also to notice the testimony of Col. Miller on this point. He says he saw no want of exertion in preparing the artillery. The necessary field artillery was not prepared until the 7th of August. Two days previous to this I had called another council. The members determined it would be advisable to wait two days for the artillery, and if it was not then ready the attack ought to be made without it. I did not concur in this opinion. Indeed, the opinion of the officers in this and the former council, appeared to me inconsistent. For if, according to the decided opinion of the first council, it was then improper to make the attack without heavy ordnance, why was it not as necessary, when the last mentioned council sat? And if it were proper to wait two days for the artillery, according to the opinion of the last council, why was it not proper to wait longer? It may be said that between the first and second council, the enemy's force had diminished by desertion. No doubt it had as to numbers—great part of the militia had left them, and many of their Indian allies, but the fort of Malden retained all its strength, and there was no doubt but that their regular force (of which not an individual had deserted) and their remaining militia, was sufficient to man it. Indeed, reinforcements had arrived from fort George, both in the brig Hunter and one other vessel. At this council I found that nothing would satisfy my officers or the army, but a movement towards the enemy. I felt myself obliged to yield to the advice of the council, and did, as Gen. Cass has testified, declared that I would lead the army against Malden, as soon as the heavy artillery should be completed.

My opinion was that an attempt on Malden should never be made until there was an absolute certainty of success. This opinion was founded not only on considerations, which I shall hereafter mention, but upon the order I had received from the war department in the Secretary's letter of the 24th of June, which I have so often quoted—and by which I was directed not to attack Malden, unless I judged my force was equal to the enterprise, nor unless I could do it consistently with the safety of my own posts. I thought by delay, I was every day strengthening the probability of success in the enterprise—because the force of the enemy was daily diminishing by the desertion of his militia and Indians.—

But I thought myself bound to delay, till I had possessed myself of every

possible means of ensuring success, from a consideration of what would be the consequences of a defeat.

The army would have been destroyed, if not by the tomahawk of the Indians—they must after a defeat have perished for want of supplies.

A defeat would have been the signal for all the hordes of savages in the surrounding wilderness, to fall upon the unsuccessful troops. Every path would have been filled with those remorseless warriors—But it was not only the fate of the army that I anticipated on such an event—the horrors that it would let loose on the neighbouring country and throughout our extensive borders, were presented to my mind. I knew that if the army I commanded were beaten in battle, there would be nothing to restrain the savages of that part of our enemy, which, when a battle is decided in their favour, makes the vanquished and their defenceless country and people their prey.—In the ungenerous letter which Colonel Cass wrote to the Government, (and which as I think, was most unwarrantably published, he seems to think, that these are philanthropic considerations, unworthy a soldier. But sir, though brought up in the field, and though I have seen something of the horrors of war, I am not yet such a soldier, as that I can think of such scenes with indifference.

When I considered what would be the condition of the territory over which I had so long presided, and over which I was then Governor, in case the force I commanded, should be beaten in battle, and the inhabitants be left to the mercy of the savages, without any stipulation or force for their protection—I thought I should deserve the heaviest curses, if I risked a battle before I had taken every means in my power to insure victory.

These were the considerations that induced me to resist the urgency of my officers to move to the attack of Malden, till the 8th of August. It had been ascertained on the sixth, that the cannon would be done on the eighth—and on the sixth I issued an order for the army to prepare to move to the attack, on the 8th. Every thing was in readiness for the enterprize on the 7th. But on that evening I crossed with the whole army to Detroit, except a detachment of about three hundred men, under Major Denny, which was left intrenched at Sandwich, and which was also moved over on the 11th.

This retreat from the enemy's shore is one of the acts of Treason, cowardice, and unofficer-like conduct, of which I am accused. I proceed to submit to your consideration, my answer to this accusation, and the reasons which then governed my conduct, and which I yet believe to have been correct.

About the 1st of August, as appears by a letter of the 4th, I received an account of the fall of Michilimackinac, Lieut. Hanks with his men, and some Indians had arrived at my encampment. The effect of this great misfortune was immediately seen and felt in the vicinity of my post. The Wyandot Indians settled at Brownstown, who had previously shewn the most friendly dispositions, and given the strongest assurances of their neutrality, joined the British. For though they passed over under the pre

ance of having been made prisoners, the circumstances which then occurred, left no doubt but that they had formed an alliance with the enemy.

This procedure of this tribe of Indians was not only evidence of their own, but of the defection of the surrounding nations, who are all united by some sort of confederacy, in which the Wyandots have a superior influence, that is acknowledged by the other tribes, speaking of them as their *Fathers*. When therefore I learned that this nation had joined the standard of the enemy—I knew that the Chippeways, Ottaways, Pottawottamies, Munsees, Shawonees, Senecas, and other tribes, who altogether could furnish between two and three thousand warriors, would also be an addition to his force.

At the same time I received intelligence as appears by another letter of mine to the Secretary at war of the same date (4th of August) that a British officer, with 55 regular soldiers and two brass field pieces, had landed on the west part of Lake Ontario—had penetrated to the head waters of the River Le French, and was collecting the militia and Indians in that quarter, to lead them against my army. From the information I had received, I had reason to think, and so I mention in my letter to the Secretary, his force would amount to six or seven hundred. The fall of Michilimackinac also changed the disposition of the inhabitants of Canada—and from the time that accounts were received of that event, there were no more of their militia came over to us. I had also been informed of the arrival of the British Col. Proctor at Malden, and it was generally believed that he had brought with him some reinforcements, as well naval as military. To the enemy's naval force I had nothing to oppose. By it, the enemy might command the Lake—obtain his supplies without the least interruption—transport his troops at pleasure—and co-operate with land-movements on the margin of the waters.

I had also intercepted a letter from a Mr. M'Kenzie at fort William, to a Mr. M'Intosh at Sandwich, dated the 19th of July, from which the following are extracts.

"The declaration of war reached us on the 16th instant, but we are neither astonished or alarmed. Our agents ordered a general muster, which amounted to 1200, exclusive of several hundred of the natives. We are now equal in all to 1600 or 1700 strong. One of our gentlemen started on the 17th with several light canoes, for the interior country, to rouse the natives to activity, which is not hard to do, on the present occasion. We likewise despatched messengers in all directions with the news. I have not the least doubt but our force will, in ten days hence, amount to at least five thousand effective men. Our young gentlemen and engagers, offered most handsomely to march immediately to Michilimackinac. Our chief Mr. Shaw expressed his gratitude, and drafted one hundred—They are to proceed this evening for St. Joseph's. He takes about as many Indians:—could the vessel contain them, he might have had four thousand more. It now depends on what accounts we receive from St. Joseph's, whether these numerous tribes from the interior will proceed to St. Joseph's or not."

At the time that this intercepted letter fell into my hands, I was informed by Lieutenant Hanks, that before he left Michilimackinac, several agents of the North-West Territory had arrived at that post after its surrender from fort William on the north side of Lake Superior, who stated that a large force of Canadians and Indians were collected at fort William, ready to descend the lakes—and that there was also a force of the same description collected at the outlet of Lake Superior. I was further informed by Lieutenant Hanks, that immediately after the surrender of Michilimackinac, which was on the 18th of July, the British commander had sent an express to Little York, and it was supposed that on the return of the express all the forces which had been collected and were collecting in the northern regions, would be ordered to Malden. The death of Lieut. Hanks deprives me of the benefit of his testimony. But this is sufficiently supplied by the evidence of Mr. Stone and Doctor Day, gentlemen who were at Michilimackinac when it surrendered, and who accompanied Lieut. Hanks to my head quarters at Sandwich—and Dr. Day was present when Lieut. Hanks made the communication to me. It may be said that this information ought not to have had any influence upon my conduct, because the northern Indians could not, and in fact did not arrive in a great length of time.

I presume that no testimony is wanting to prove to this court, that from the points where they were collected, they might have descended in a few days. The savages of our country have an advantage of all other troops in the celerity and facility with which they make these movements.—These too were to be added by the means of the North-West company, which were particularly adapted to transportation from the nature of their trade upon the waters of the lakes.

As to the fact that the northern savages did not arrive at Malden until long after the surrender—the testimony of Capt. Eastman is that he remained at Detroit 24 days after the capitulation—that the Saganau Indians, with about 60 warriors, arrived three days after the surrender—that the Michilimackinac Indians, with about eleven or twelve hundred warriors, arrived about the 10th or 11th of September.

It may be well to remark here, how formidable this force proved to be, although it was but a small portion of that which would have come had not Detroit been surrendered—But can it be concluded that this force would not have arrived earlier, had not intelligence of the fall of my army reached them, which it must have done, a few days after the event happened. When information of so many adverse circumstances had reached me from various quarters, the fate of my army appeared inevitable. I had but one of two courses to pursue, and either seemed to me almost a desperate alternative. I must either advance or retreat. If I had seen nothing that I was to regard, but the power of the enemy, I had no doubt but that I ought to have adopted the former expedient. I was obliged to consider the effect a retreat would have in my own camp. The Young and inexperienced officers I had under my command, who could see no

danger that was not immediately before their eyes; who thought and said that they were very brave; but who, with a few exceptions, do not know it, to this day, from any trials of their courage—who despised all precautions, and thought all generalship consisted in inconsiderate and impetuous advances; I knew well, would pursue the conduct which they afterwards did—and by representing a retreat as proceeding from the most unworthy and unjustifiable motives, destroy the efficiency of my army, by robbing me of it's confidence. The Cabals which had risen to such a height as to mature a plan of mutiny, in which my chief officers were to be the *ring* leaders, could not be entirely concealed from me although, until I saw the confession published to the world by one of the conspirators, I did not know the extent of their design.

Under these circumstances, dangerous as the attempt on Malden appeared to me to be, I thought it might be less so than a retreat. I determined to attack Malden—and on the 6th of August, issued orders to have every thing prepared for the movement of the army on the 8th; and gentlemen, there is no part of my conduct, since I have been a soldier, that I reflect upon, with so much self conviction of error, as I do upon this. I look back with regret upon the moment, when I yielded to the councils of the inexperienced officers I commanded, and determined to make an attempt which my own judgment did not approve—which was contrary to all military knowledge—and which even success might not justify. I thought, however, it was possible that if I were successful, and could possess myself of the enemy's fortress, I might possibly maintain myself there for some short time—and in that time, I hoped I might have some succour and security from my own country and her armies, that I had been led to expect would be operating below me.

On the 7th of August, every thing was in readiness for the intended movement—But on that day at about one o'clock, an express arrived with letters to me from the commanding officers on the Niagara frontier,—two from Maj. Gen. Hall, and one from Gen. P. B. Porter. These letters were sent to me by express to inform me that a large force from the neighbourhood of Niagara was moving towards my army. But, what was more decisive in its influence on my measures was, that I learned from these letters, that I was not to expect that these movements of the enemy were to be checked, or that my army would be sustained by any operations against the enemy in any quarter. I found that the invasion of Canada and the whole war, were to be carried on by the 300 regular troops under Col. Miller, and the 1200 or 1400 militia which had been placed under my command.

I must here again beg leave to turn the attention of the court martial to the correspondence between the Secretary at war and myself, to remind the court martial of the reasons I had to expect supplies, assistance and co-operation, when I took the command of the North-western army—when I received these letters from Gens. Hall and Porter, my situation became embarrassing and distressing to a great degree. I had, but a few hours before, with what reluctance appears from the testimony of Gen.



Cass, yielded to the importunities of my officers, and given them expectations that I would lead the army against Malden. I had issued orders for making the necessary preparations, and fixed a time for the movement. I knew well, what would be the effect of disappointing the expectations which these measures had raised. But as Gen. M'Arthur has testified, I told him, as commander of that army, I felt myself *responsible* for its *movements* and its *fate*. Under an awful sense of that responsibility, I determined to recross the river with the greater part of the army. In making this movement, I had no design of relinquishing the attack of Malden. My intention was to take post at Detroit, and there to wait until some naval force on the lake, and a co-operation from below, which from the beginning I had relied upon, and which the letters I had received from Gens. Hall and Porter gave me reason to expect would commence at some future, but probably distant period, afforded me some hopes of success, and of advantage from success.

My further intention was to concentrate my forces at Detroit, that I might from thence open and secure my communication with the State of Ohio; upon which, in my judgment, the salvation of the army depended.

This consideration had so much influence on my measures, not only at this time, but throughout the campaign, and in the final surrender, that it will be proper to present it to the court in such a view as that they may judge of its importance.

From Urbanna to the Miami of the lake is a perfect wilderness. Through this *wilderness*, a distance of 120 miles, and through a country of which the Indians were the inhabitants and proprietors, the army had to cut a road when they advanced; and it was the only road by which supplies of any kind could be received. From the Miami to the settlements on the Detroit river, the country is little better than a wilderness, there being only two or three little settlements—along the Detroit river the country is partially cleared and cultivated. The improvements extend from half a mile to a mile back from the river, and in part of these improvements, on the margin of the streights, is the road to the town of Detroit. The whole country from Urbanna to the town of Detroit is filled with savages; all of whom, with very unimportant exceptions, became hostile to us, and infested every part of the road which was not protected by an armed force. From the Miami to Detroit, a distance of 72 miles, the road runs so near the waters of Lake Erie and of the Streights, that the enemy having the command of these waters, could with the greatest facility transport from their shore, and from one point to another, detachments to intercept the communication. Their vessels too, would always afford them a secure retreat in case of disaster. There were in the whole Michigan territory less than 5000 white inhabitants, about 2000 of whom were settled along the Detroit river. The soil, though fertile, was but little cultivated; the inhabitants greatly relying for their support upon the supplies of fish and venison, which the woods and waters afforded. The territory has never furnished sufficient provisions for its own inhabitants. There are annually, as appears from the testimony before you, large quantities of pork

and beef brought in from the state of Ohio, and notwithstanding the testimony of some of the witnesses, I assert, that, at the time the army was in that quarter, they could not have taken the necessary supplies from the country, for any length of time, without distressing the inhabitants. It has been proved, that even in time of peace, the few troops who were stationed at Detroit, were fed by supplies from Ohio. The country must afford insufficient provisions for an army, or there could have been no necessity for furnishing G. Harrison from the western states at the immense expence which his supplies have cost. The testimony of Gen. M'Arthur affords some evidence of the state of the country in respect to provisions. He stated that from the morning of the 14th of August when he marched from fort Detroit with a detachment, until the 16th, when they met with and killed an ox; in a march of near 30 miles; he saw nothing that was food for man, except some unripe corn and some honey. The opposite shores of the enemy were not more productive in supplies. The whole of the country bordering on the streights and on the Lake is a wilderness, except the settlement at Amherstberg and a very thin population on the banks of the Detroit river, and a small place on Lake Erie, known by the name of the New Settlement. Above, on the river French, at about the distance of sixty miles, is the most fruitful and valuable part of the country.

Independent of these settlements, which had been exhausted by the two armies, the whole is wilderness: after the fall of Michilimackinac, when all the hives of Northern Indians became hostile, and were let loose upon us; when the North-west company, as appears by the letter of Mr. M'Kentzie, had arrayed against us their numerous retainers; and when the navigation of the upper, as well as of the lower Lakes, was free to the enemy, no supplies could have been obtained from the river French, or the bordering Country. It must be remarked that from the time the army arrived at Detroit, not one pound of provisions had been received—from the moment the declaration of war was known to the enemy, he had intercepted the only line of communication, and thus cut off all supplies.

It appears from a return made on the day the army arrived at Detroit, and which is mentioned in the minutes of a council of war, held on the 9th, that there were then in store

125,000 Rations of Flour, and

70,666 Rations of Meat.

This stock, as it was never replenished, must have been proportionably exhausted, at the time of the retreat from Canada, and at the time of the final surrender; and indeed would have been entirely so, had we not drawn, as far as we could, our supplies from the country; which every day became the more stripped, and the less able to afford them.

A return made to me by the contractor on the 23th of July, shews not only the quantity of provisions on hand at that date, but it shews, by a comparison with a return of the 9th of the same month, the rate at which the provisions were consumed.

This return has been proved and read in evidence; it is as follows,  
 "Provisions on hand at Fort Detroit, 25th July, 1812."

70,000 Rations Flour,  
21,000 salted Meat,  
100,000 Whiskey.

It has been said by Generals Cass and M'Arthur, and by other witnesses, that they never heard complaints of a want of provisions—this is certainly true: there was not, previously to the surrender, an actual want or deficiency of provisions; our stores were not then entirely exhausted, but there was a certainty that they would soon be so.

Such then was my situation when I determined to retreat from Canada. I had above me hordes of hostile savages; I had below, an enemy in a fortress, which I believed to be a work of strength, and sufficiently manned for its defence; I found that he had been left at liberty to augment his force by drawing his troops from all other points. I commanded an army, the troops of which (except a few regulars of the 4th regiment) had no experience, and had never been tried; and this army was officered by men, the chief of whom had not hesitated to express, in the most indecent terms, his want of confidence in me. I was told that I must not expect any co-operation or assistance. I saw that my provisions would be soon exhausted, and that neither my own nor the enemy's country would afford supplies for any length of time: I saw that my only communication was cut off, and unless it were opened, the army would be subdued by want.

Under these circumstances I determined to recross the river, take the principal part of the army, not with an intent, as I have said, to relinquish the enterprize against Malden and the upper province, but to wait for a co-operation and assistance, which might afford more favorable prospects, and in the mean time, which I considered a duty of the first importance, to open the communication by which I could obtain supplies. An attack on Malden was an alternative, which as I have said, presented itself to my mind, it was one which I had the most powerful inducements to adopt: I well knew what rewards of honor and glory awaited an achievement which my country had been led to expect, with so much certainty and anxiety; I knew what were the expectations of my officers, and what resentment a disappointment would create; I knew a retrograde movement would expose me to censure, and to the malice of my enemies. But, in deliberating on this alternative, I could not but take into view the possibility of a defeat in the attempt, and the consequences which, as I have before mentioned, would result, not only to the army, but to the people of the Territory. A more decisive consideration however, induced me to reject this alternative; I then felt confident, and I do now feel most confident, that if I had attacked Malden, and had been successful, it would have been but a useless waste of blood. It would have been utterly impossible to have maintained the fortress. It must have fallen for want of supplies. It must be remembered that the waters of the Lakes were shut against us. There could have been no possible communication with the fortress, but by the road which I had cut through the wilderness. How was that road to be kept open? Most probably, after an engagement, or after carrying the works by storm, I could have taken into Malden but a few hundred men.

Could I have made sufficient detachments from the garrison to have per-

formed this service? Let it be remembered that Generals M'Arthur and Cass, censured me for sending so small a detachment as 200 men on this duty, and thought the force ought to have been double, or equal to one of their regiments: and when Colonel Miller with 600 men, 280 of whom were almost the whole of the regular force under my command, had defeated the enemy near Magnagno, he thought it necessary to send to me for a reinforcement of 150 or 200 men, to enable him to secure his passage to and from the river Raisin, though his loss in the battle did not exceed 80, and though he knew at the river Raisin, he was to be joined by the detachments under Captain Brush and the companies under Captains Campbell and Rowland. If the road could have been opened, still no supplies could have passed into the fort without crossing the water, and on that the British had a force, to which we had nothing to oppose. If we had possessed the fort, it would have been pressed by the North-West company and its retainers from the north, with all the hosts of Savages of those regions. A British force no doubt would have approached it from Lake Ontario by the River La French—On the water it would have been attacked by the naval force—and all this it must have encountered without the possibility of obtaining supplies, and without the least prospect of relief or assistance.

My judgment, Mr. President, may mislead me now, as it did then—but yet, I think that if I had led the army I commanded to the conquest of Maldeq under such circumstances as I have stated, it would have been as great a crime as any of which I am accused.

Certain I am that I should have wanted that consciousness of having acted from the purest motives, and according to my best judgment, which has been my only consolation in all I have suffered.

If it be true as I have stated, and as I think the testimony proves, that the army had not provisions for any length of time—and that neither my own nor the enemy's country could have been capable of furnishing them—I need hardly state to the members of this tribunal, how important it was to me to keep open the road I had made through the wilderness—the only communication by which supplies could approach me.

In modern warfare the first great object of each contending party, is the resources of his enemy. The fate of armies is found to depend upon the abundance of their resources; on their security, and on the facility of keeping up a communication with them.

It has become a principle to manœuvre in such a manner as to cover the places from whence supplies may be drawn—not to go far from them but with great caution—and never to cease preserving with them those connections in which the strength of an army consists, and on which its strength depends. These are the sentiments of a modern military writer of great celebrity. The experience of all military movements in latter times prove their correctness. I always felt the force of them. It was a great violation of these principles, and therefore, as I considered, a great mistake, to march the army I commanded, after the war had commenced, to Detroit—leaving a British garrison 18 miles in our rear, directly upon our line of communication, which, from its proximity to the lake and his force upon the water,

the enemy had the means of intercepting with peculiar facility. But the orders I received in the letter of the Secretary of war, which announced to me the declaration of war, were positive upon this point. They left me no discretion. I was to march to Detroit, and there to wait for further orders.

I had seen the necessity of keeping open the communication when I was on the march—and therefore I built and garrisoned block houses on the road. When in the enemy's country, I felt every day more strongly the force of this necessity, and therefore detached Major Van Horne on that service.

Whether that was a proper detachment, as it is made a separate charge, will be a subject of separate consideration, in a subsequent part of my defence.

After the defeat of Major Van Horne, and when I found the situation of my army, immediately before I left Sandwich, such as I have before described, I was perfectly convinced that no success, not even the capture of Malden, could save it from eventual destruction, if my communication with Ohio was not opened.

The court will recollect that Gen. M'Arthur and Gen Cass. have stated in their testimony, that when they objected to the sufficiency of the force I detached under Major Van Horne, they each recommended that I should send him with his regiment on that duty. This shews what force in their estimation was necessary for the purpose. What force Col. Miller thought necessary I have already stated. If these gentlemen were correct on this point, my army could not have been in a proper situation—when I must have stretched back with nearly half, and the most efficient part of my command to insure me supplies. It must be recollected also that it was not a temporary detachment that would have answered any purpose. I must have kept always separated from the army a sufficient force to have kept open the road from Detroit to Ohio, a distance of about 200 miles. I do not believe that after the fall of Michilimackinac, when the savages became arrayed against us and infested every part of the road, my whole force would have been sufficient to have protected so extensive a line.

These, gentlemen, were the grounds on which I made a retrograde movement with a part of the army to Detroit. It was, from thence to open the only channel through which it could derive the means of existence. I repeat, my judgment may have misled me—if it did, it continues yet to mislead me—for every day that I have lived I have become more confident that I did right to leave the Enemy's country. Had I followed the dictates of my own judgment I should have made my retreat to the Miami, and there waited for co-operation and assistance.

The distance from thence to the Ohio would have been comparatively short, and I should have had no enemy in my rear but scattering savages, and he could not then have availed himself of the great advantage he derived from the command of the waters. For the reason that I did not do so, let me appeal to the testimony of the two officers next in command.

When I proposed this measure to Col. Cass, his answer was, that if I did, under the then existing circumstances, every man of the Ohio volunteers would leave me. His language was in substance, as he states it himself—that the volunteers would retreat with me, if they thought a retreat necessary: but as they undertook to judge that it was not then necessary, they would leave me, and not a man would retreat under my command. Col. Cass's testimony on this subject is in the following words. "I recollect a conversation with Gen. Hull, after the retreat from Canada, and before we went to the River Raisin, in which Gen. Hull suggested, that as he heard of no co-operation from below, it might be necessary to take post at the Miami. I think I told Gen. Hull that if, under existing circumstances, he took such a step, the Ohio militia would desert him to a man. Whether I told Gen. Hull so or not, I am confident it would have been the case." It may be well to remark, that this testimony of Col. Cass's is evidence of the insubordination that was among the troops. By whom and by what means it had been encouraged, the court may judge. Upon this part of the subject, that is to say the retreat from Canada, I have but a few more words to say. I retreated for the purpose of being enabled to take effective measures for opening my communication. The importance of accomplishing this design, I have endeavoured to shew. But it seems that the government, or whoever it may have been that drew the charges that are now before you, were also sensible of this importance; for one of the accusations that I am to answer is, that I did not keep open this communication; and yet the measure I took to accomplish this object, and which was the only measure that afforded any prospect of success, that is to say, withdrawing the army from Canada, is also made the ground of crimination.

I beg the court to notice that these reasons for the retreat, are such as I assigned for it at the time as well as now. For the evidence of this I refer to my letters to the Secretary of war of the 4th and 8th of August. My letter to Governor Scott of the 9th of August, and my letters to Governor Meigs and Col. Wells of the 11th of August. All these shew that I abandoned Canada, because I had ascertained that I would soon be surrounded by an overwhelming force; because my communication, if I remained where I was, would inevitably be cut off; and because I found that the few regulars and militia I commanded were to be left to carry on without any assistance or co-operation the offensive war, which the United States had declared against one of the most powerful nations on earth.

The surrender of the fortress of Detroit and of the forces in the Michigan territory under my command, is another charge against which I am now to defend myself. I beg the court to observe, that the course I am pursuing is to examine in the first instance, the propriety or necessity of these principal measures. The circumstances attending their accomplishment, being ground of distinct accusation, I propose to give them distinct consideration.

As to the point on which I am now about to make my defence, I must beg the court to bear in mind what I have said in relation to the de-

lay in attacking Malden, and to recrossing the river—Much of what I have said upon these subjects will be applicable to the charge now under consideration. The same facts are reiterated in the specifications in so many different forms, that it is difficult to analyse them, and might excuse repetition. But I shall endeavour as much as possible to avoid trespassing on the patience of the court, and shall not repeat what I have already said, further than may be absolutely necessary to make myself clearly understood.

The extent and state of the force under my command, at the time of the attack on the 15th and 16th of August, must be ascertained before my conduct can be duly appreciated.

The detachments under Cols. M'Arthur and Cass, consisting of 400 of the most effective men of their regiments, were absent on the expedition to the river Raisin.

On the morning of the 16th the Brigade Major Jessup, as appears by his cross examination, had, by my order, made a report of the effective men under my command. He stated the number as appears by a document before you, in the three Ohio regiments, to be 700, including the Michigan Legion and waggoners—but not the Michigan militia. The armed inhabitants which some of the witnesses have mentioned, I presume were not intended to be included, and indeed should not have been. For, although it may have been agreeable to the disposition of some who have testified in this cause to mention them here, that they might swell my numbers in the eyes of the court—yet, I believe it will not be thought that I ought to have taken them into calculation, in estimating my means of defence. In the field they were only likely to be the first to set an example of disorder, and in a siege they would only have increased the consumption of provisions.

Major Jessup says, that on the 15th he received an estimate from one of the adjutants of the number of men fit for duty. He thinks it exceeded one thousand. This estimate was not delivered to me—but was given to Gen. Cass the day after the battle, but for what purpose does not appear. I wish Gen. Cass had produced it on this occasion. Of the 1000, if there were so many effective, only 320 were regulars—that being Major Snelling's estimate of the effective force of the 4th regt. on the day of the surrender.

The rest of this 1000, were comprized of the Ohio volunteers and Michigan militia. In my letters to the Government, and my official account of the unfortunate termination of the expedition under my command, I have always spoken of the zeal and bravery of these troops in terms of respect, and I still think they merited all I have said of them in these respects; yet in estimating their probable services in an arduous conflict, I could not but consider their real character. My experience in the revolutionary war had fixed in my mind a distrust of the services of undisciplined militia, however ardent and valorous they might by language, and even by actions, when not before the enemy, make themselves appear. Indeed the organization of the militia corps I had with me was particularly calculated to create distrust with respect to them.

All their officers held their commissions in virtue of an election, mediate or immediate, of the men of whom they were the nominal commanders.

My second in command, Col. M'Arthur has prefaced his testimony by telling you that at such a time he was elected Colonel—Col. Van Horn was elected Major—Mr. M'Cormic was elected a Lieutenant. From what stations, what occupations these gentlemen were elected to high military rank I do not know—It would seem however that notwithstanding all the experience they have had in the field, they have not yet learned military language—or forgotten what were, probably, the phrases of their former occupations.

Gen. M'Arthur in describing the disposition he intended to make of his regiment in case of an attack, spoke, as he would of the gate of a cow-pen, of swinging it into the rear line of a hollow square—and most of the witnesses against me have spoken of the balance of a detachment, as they would of the foot of an account in a shop-book. Elected officers can never be calculated upon as great disciplinarians. In every station the elected will be unwilling to incur the displeasure of the electors; indeed, he will often be found to court their favour by a familiarity and condescension which are totally incompatible with military discipline. The man that votes his officer his commission, instead of being implicitly obedient, as every soldier ought to be, will be disposed to question and consider the propriety of the officer's conduct before he acts. This system has not only an injurious effect upon the soldiers, but it has a retro-active effect upon the officers. They, knowing how far they are responsible to their electors, and what deference is due from them to a majority of votes, are under the influence of their own feelings in intercourse with their superiors.

The court must have observed with what confidence the officers who have testified against me, have pronounced every thing to have been done wrong that was not done according to their advice. They seem to have thought that, when a council of war was called, it was to be governed by the laws of a town-meeting; and that a General was absolutely bound by the voice of a majority. The testimony of Major Vanhorne is a remarkable elucidation of the ideas of some of my officers in this respect. He seems to think that I was guilty of great violation of duty in not being careful to ascertain accurately the votes of the members then present; though, as it turned out, I had omitted to take the vote of a gentleman whose opinions coincided with my own.

Mr. President, my ideas of a council of war are, that it is called to advise the responsible officer, as to any question which he may think proper to submit to its members; that he ought to hear and weigh, with what deliberation circumstances will admit, their sentiments and opinions; but that after all he is bound to act according to the dictates of his own judgment, be the opinions of his officers what they may—And, inasmuch as the advice of a council will not in all cases justify misconduct—I hope it will not be considered that a measure, although it should have been wrong, or turned out unfortunate, must be condemned because it was not sanctioned



by a majority of votes. These are considerations which I think it necessary to impress strongly upon the minds of the court. It unfortunately happened that on most questions which I submitted to the deliberation of my officers, their opinions and mine did not coincide—and many of the witnesses seem to think that therefore they must be condemned—But such a principal will not, I hope, be adopted by this court. The decisions of the councils should have had the less influence, because it must be recollected that I could not, with the exception only of the officers of the 4th reg. call for the advice of any one, who had seen the least service or had the least experience : for, though most of the witnesses who have been produced on the part of the government have appeared with the titles and badges of high military rank—yet, it is certain that most of these gentlemen, when they joined my army, knew no more of the duties of a soldier than was to be learned from militia musters and parades about their own homes. What services they may have since performed to entitle them to the honours they have attained I am ignorant—and only hope that their elevated rank (as it ought to be presumed it was not intended it should) will not give them any other weight than they would have had, if they had remained in their former subordinate stations until they had given their testimony against me. These observations are made in reference to the principal part of the troops I had under my command—and to shew that, although, as men, they might be brave and patriotic, as I have always believed they were, and as I have always spoken both of the officers and soldiers—yet, from the manner of their organization, and from their want of discipline and experience, they were not that kind of force upon which a commander could feel in an arduous conflict the firmest reliance. So far as we had any opportunity of judging from trial, this want of confidence in forces of this description was justified. The expedition under Major Vanhorne was the only instance in which the volunteers acted by themselves in any affair of consequence ; for the rencountre at the Aux Canards bridge (although both the officers and men behaved well) was but a skirmish, which could hardly be a test either of courage or discipline. The detachment under Major Vanhorne as he has testified, were not surprized. He had fully prepared them according to his statement to expect their foe—and yet his party was disordered by the first fire of the enemy. Notwithstanding all the gallant exertions which, as he has stated, he made, he was unable to rally them, or to prevent their flying in confusion, in the very first moments of attack, by nothing but savages.

In submitting to your consideration, gentlemen, the fate of the forces under my command, I must not omit, painful as it is to me to advert to it, the unhappy terms in which I was with my officers. They took no pains to conceal what they have here testified to, that they had lost all confidence in me—many of them manifested it, as appears from their own testimony, by the most indecent conduct and expressions. The court must recollect the language, which I forbear to repeat, that my second in command Col. M'Arthur (now *Brig. Gen.* M'Arthur) represents that he addressed to me when I proposed to him to remain with his regiment at Sandwich. Let it

he remembered too that the Brig. Gen. has stated, that when we were in the face of the enemy, and he might hourly have expected to be called to battle, he used this language, with an expectation that he would be arrested: with an expectation that at such a moment he would be put in a situation that he could not be called upon to use his sword. Brig. Gen. M'Arthur has said that these expressions were extorted from him by insinuations of cowardice. I meant no such insinuation. His declaration that he felt his single self able to carry the fortress at Sandwich against any garrison, left no room to doubt his own good opinion of his prowess. When Gen. M'Arthur addressed such language to me, I had never seen any thing that would have warranted such an insinuation as he conceives I made. But if any thing would justify an impeachment of that officer's courage, it would be such conduct at such a time. It may be thought that I ought to have arrested Gen. M'Arthur. It is not one of the charges against me that I did not—and therefore I shall not digress further from the course of my defence, than to say the peculiarity of my situation alone prevented my doing it. If I had taken such a step, I have no doubt his men who had elected him a Colonel, would have turned their arms against me, with as much alacrity as they *professed* to use them against the enemy. I might, and I believe I should have had a civil war in my camp. But to shew what was the disposition of my officers towards me, I have only to refer the court once more to Col. Cass's (*now Brig. Gen. Cass's*) letter to Government of the 10th of September, in which he states that he, and others had formed a conspiracy to wrest the command from me. Whether this was, or was not, a treasonable design, is not for me to determine. But what confidence could I place in officers, whose conduct had been such as they themselves have described.

I know, Mr. President, that my letters to the Secretary at war, and my official account of the surrender, may be appealed to on this subject. I wish they may be. What I have written of the volunteers and their officers is just—and what I yet say, they were brave zealous men. It is my pride that in the very hour of misfortune, I had the magnanimity to give them all the credit that was due to them, and to take upon myself the whole responsibility of a measure which I knew would be the subject of so much censure.

Would Sir, that I could have observed a little of the same spirit in my accusers! that they had been willing to take some share of the blame that is justly due to them! and that they had not, in the triumph of their own salvation on my depression, represented with the most uncharitable bitterness a man whose smiles they once courted.

I must be pardoned, Mr. President, for yielding to my feelings in these digressions. I have stated to you the numbers, nature and situation of the force which I had to oppose to the enemy. I shall now state what force he brought or might bring against me. I say, Gentlemen, *might bring*—because it was that consideration which induced the surrender, and not the force which was actually landed on the American shore on the morning

the 16th. It is possible that I might have met and repelled that force—and if I had had no further to look than to the event of a contest at that time, I should have trusted to the issue of a battle. I beg leave first to examine what was the extent of the enemy's force, landed at Springwells on the morning of the 16th. Major Snelling who says he made some attempt to count the enemy's force, supposes that there were no more than 750 whites, of whom one third were regulars and the rest militia and volunteers. The number of Indians he could not ascertain. As he was going to his lodgings, after having satisfied himself about the white force, he saw he says some hundred and fifty Indians in array. He does admit, however, that there were some more on the back of the town, killing horses and stealing cattle. But it is very evident that Major Snelling, as well as other witnesses, meant to convey to the court an impression that they considered the Indian force very insignificant, both as to numbers and effect. And yet it is very extraordinary that when my conduct would be censurable in proportion as the Indian force in the power of the British might be considered numerous and effective, their numbers and powers are augmented—I am charged with having sent out too small a detachment under Major Van Horne. To prove that I did so the Major has testified that according to the information he received, there were 300 Indians crossed from the British side, the day his party was routed. It is necessary, to heighten my criminality, that in one instance the British Indian force should appear to be very small and very insignificant, and in the other very numerous and very formidable. It is well known however, that all the Savages in that quarter had, immediately after the fall of Michilimackinac, joined the British. I had had in council, between the 14th and 20th of July the chiefs of nine nations, whose warriors amounted to between two and three thousand or more. Is it not extremely improbable, that with a large force of this nature at their disposal, the British should have employed but a small part of it in their enterprize against Detroit? Is it not rather to be presumed that, in an undertaking in which they must have been very ambitious of success, they would have employed all their disposable force, whether white or red?

The force brought against me I am very confident was not less than one thousand whites, and at least as many savage warriors.

But it was not only against this force on our own shores I was to defend myself—their Batteries from Sandwich were effectually co-operating with them—and their ships of war were ready to lend them assistance in the moment of attack, to cover their retreat, and to afford them shelter in case of defeat.

If the British landed at Springwells were not much more numerous than my own troops, I knew they must have a powerful force in reserve, which they could bring to operate upon me, either by crossing them above the town of Detroit, or by transporting them in their ships to that point—and thus attack the fort on all sides, and place my army between their fire. I should not however have yielded to all these considerations, had the war I was carrying on been only against civilized men. In that case, those only who were in the contest would have suffered. But I knew how sanguinary

and remorseless the savages would be, should my army be subdued and the troops be obliged to yield. The whole country would have been deluged with the blood of its inhabitants.—Neither women nor children would have been spared.

The large detachment which was out under the command of Colonels M'Arthur and Cass, of which I could get no intelligence, and the detachment under Captain Brush at the River Raisin, would, most probably, have been the victims of savage fury, which is always excited by battle, and rendered more sanguinary by victory. Those appeared to me the certain and dreadful consequences of unsuccessful resistance.

If after a conflict, I should have been able for that time to have repulsed the enemy, I might have purchased fame, and have avoided all I have suffered and what I now suffer, in being obliged thus at my time of life to vindicate my honour and plead my cause before you. But at what price should I have done this? How many of the lives of the brave men I commanded would it have cost? How many of the persons who now appear to witness against me might I not have sacrificed? It might indeed, Mr. President, have given me an honourable grave, and if mine were the only life concerned, I wish it had been so, rather than that the foul crimes of which I am accused, should be coupled with a name to which my country of late as well as here tofore, has acknowledged some obligations.

But I had rather even that this should be, and I would rather stand before you accused as I am, than have uselessly and wantonly sacrificed a single life, though it should have ensured me immortal fame.

If the attack of the enemy had been repelled, our triumph would have been but temporary. My numbers must have been diminished by loss in battle. They would have daily lessened by the cannon of the enemy, from the opposite shore. The force of the enemy, augmented as it was by reinforcements under Col. Proctor, Major Chambers, and the commander in chief, Gen. Brock, would have been daily augmenting.

The force from Michilimackinac and St. Joseph's which would have amounted to several thousand savage warriors—the savages, with the addition of some hundred white men mentioned in the intercepted letter of Mr. M'Kenzie, collected at fort William, would in a few days have descended upon us—the Canadian militia had all returned to their allegiance—the enemy's naval force and means of transportation on the lakes were augmented. There was no co-operation with my army from any quarter—the letters I had received from Generals Hall and Porter had not only satisfied me that my expectations in this respect were disappointed, but that no diversion in my favour was soon to be expected. My army was in a corner, surrounded by a wilderness of waters and a wilderness of woods—all communication with my country, either by land or water, cut off—my stores of provision and ammunition but sufficient for a short duration—add to all this that, at the moment of expected conflict, I received information that a part of my own troops had gone over to the enemy, and that a larger body were about to join him.—Under such a combination and pressure of adverse circum;

stances, the army must have yielded in a little time, notwithstanding any temporary success—I did not think I should be justifiable or even excusable if I risked a Battle when victory could purchase no real good; and when the consequence of defeat, or even the consequences of being driven into the fort, would be to submit the whole country which I was sent to protect, and that part of my force which was on detachment, to the ruthless ferocity of Savages, armed with the horrors of those instruments of carnage and torture which are known to spare neither age or sex.

From such a calamity I knew a capitulation would be a protection.

The British, if made master of the country, without a battle, would be able to restrain their merciless allies, which they could not do after a contest, even if it should be only so far successful as to oblige us to retreat into the fort. A savage will have blood for blood, though he draw it from the veins of the defenceless. Victory only heightens his inhuman thirst for blood.

I offered a capitulation and surrendered.

"I Well knew the high responsibility of the measure, and take the whole of it upon myself. It was dictated by a sense of duty, and a full conviction of its expediency. If ought has taken place during the campaign, which is honourable to the army, my officers are entitled to a large share of it. If the last act should be disapproved, no part of the censure belongs to them." These, Sir, are the words of my official communication of this unhappy event to the Secretary of war. I repeat them—it was sir, a sense of duty which drove me to the measure. It was a sense of what I owed to the protection of the inhabitants of the territory I had so long governed. I felt myself bound to sacrifice every private feeling, and, in spite of themselves, to save from useless waste the blood of the brave men I commanded. Nor, sir, will I conceal, that, in the midst of carnage that might ensue a battle, my parental feelings saw a daughter and her offspring, who were with me in the fort, bleeding under the tomahawk of the Savage!

If these be considerations unworthy of a soldier, then I am without excuse—then indeed you may pronounce your utmost doom—But do not let me transmit to my posterity a name tarnished by the foul crimes imputed to me—I say I am as free from the sins of that black catalogue as any man who hears me—But if a propitiation be necessary, and it must be the remnant of the life of a man whose country has heretofore acknowledged his claims to her gratitude—and who has not ceased to deserve it—Here is one that I offer—I would freely part with it, if you will not take from me and from my family and posterity my honour and character.

It appears that the view which my officers had of our situation at about the time of the retreat and surrender, was very different from what it would appear to have been from the testimony they have given before you—at least the observation applies to Gen. Cass.

The testimony of Mr. Silliman (the Generals brother-in-law) of Mr. Mills, and of Mr. Converse his neighbour, proves that in letters written by him at the times to which his testimony relates, he had different sentiments from those he has here expressed. In a letter of the 3d of August,

at which time we were in possession of the enemy's territory and all the resources that might be drawn from thence, Gen. Cass tells Mr. Silliman, that provisions would become necessary for the existence of the troops. In a letter to Mr. Silliman after the fall of Michilimackinac, Gen. Cass says, that the impression made by the fall of Michilimackinac, could scarcely be conceived. In the same, or some other letter, according to the testimony of Mr. Silliman, Gen. Cass pressed him to use his influence to procure reinforcements for the army, and expresses his surprise that we were left without co-operation—by putting to his correspondent the following interrogation. "Is there nothing to be done in the lower end of the lakes to make a diversion in our favour?" In a letter from Gen. Cass to the same gentleman, dated on the 12th of August, Gen. Cass says "think our situation as bad as you may, it is still worse."

It is most unfortunate for me that I have in the course of the prosecution so often to feel the want of documents. I want to prove the contents of a memorial which was filed on record in the war department—I ask for the record and it is lost. I am impeached for not having regularly issued orders to the army. The witnesses who are to support this charge, prove that there were orderly books in which my orders were entered; but they have either been lost, or, what is more extraordinary, left at home. Capt. M'Cormic has an orderly book—but, when he was called here as a witness, he left his book behind him. Other officers seem very unaccountably to have thought the order to ship the baggage at the Miami, included their orderly-books—and they have been lost by that means. And now these letters from Gen. Cass to Mr. Silliman, the contents of which it might be so important to me to contrast with the General's testimony, it appears, were entrusted to the General's *Wife*—and they too have been lost.

But, I ask the court, do not even the slender accounts which we have had of the contents of these letters, shew that Gen. Cass, at the time they were written, did believe that the army would be in want of provisions? that reinforcements were necessary? that the fall of Machinac was to have a decisive operation on the fate of the army? that our hopes rested on co-operations from below—and that the situation of the army was critical in the extreme? If these were Gen. Cass's sentiments when he wrote the letters,—I must leave it to the court to reconcile them to the testimony he has given.

The court then adjourned to meet to morrow morning at 11 o'clock.

*Thursday morning, March 17th, 1814.*

The court met pursuant to adjournment.

Present all the Members.

General Hull appeared in Court, and proceeded to read his defence as follows.

I now appeal with some confidence to this tribunal for their decision upon the accusations which I have hitherto considered.

Were either of the acts, to which the attention of the court has been directed, in themselves and abstractedly considered, unjustifiable; or rather, (and this is the true question,) was either of them so manifestly

or egregiously erroneous, that it is, of itself, evidence of treason, cowardice, or unofficer-like conduct? Are there not so many reasons for my conduct, in regard to these transactions, that I may be supposed to have acted honestly, though it should now appear to the court that it was erroneously.

If an act may have proceeded from pure intentions, it would be the height of injustice and misanthropy, to impute it to bad motives.

I shall now proceed to make my defence against the other accusations: I shall endeavour to arrange them in the order of time, in which the facts, by the specifications, are supposed to have occurred.

Hitherto, Mr President, my defence has chiefly rested on documentary evidence, or upon facts of general notoriety. As to all that follows, the charges depend entirely upon parole testimony.

It seems extraordinary that there has not been a witness examined, on the part of the prosecution, who has not been promoted since he was under my command.

A great majority of the young gentlemen who have been called by the Judge Advocate, have appeared decorated with their two epaulets—these have been bestowed, and sometimes with the augmentation of a star, upon Gentlemen who began their military career with my unfortunate campaign.

By what services many of these gentlemen have merited such rapid promotion, I have not learned. But if it all arises out of their achievements while under my command, I must say that it appears to me, that my expedition was more prolific of promotion than any other unsuccessful military enterprise I ever heard of.

It cannot be that it has been intended to give a weight to the testimony of those witnesses by giving them ranks and honours which they would not otherwise have had. But Sir; when my military character and measures are to be tested by the opinions of Gentlemen, with high sounding titles of military rank, I think it necessary to remind the court, that, with the exception of a few of the younger officers, there are none of them who have not been promoted to their high stations, without having had any military experience—and without, so far as I have heard, ever having discovered any military talents or genius.

If the opinions of witnesses on military conduct, ought in any case to be listened to (which I conceive ought not to be) yet, I think, the opinions of men of these descriptions, ought to be received with the greatest caution.

The extraordinary promotions which the witnesses against me, have generally attained, I think may be accounted for, by a recurrence to the facts, of which this trial has afforded the most conclusive evidence—which is—that each of the witnesses, from the Generals to the youngest and lowest officer that has been called by the Judge Advocate, is himself in his own opinion, at least, a *Hero*.

From General M'Arthur, who thought himself capable of fighting a whole garrison, down to the lowest rank, every officer seems to have thought that if he had been the commanding General—or if I had taken his advice—all would have gone well—no doubt they have in justice themselves made these representations to the Government—and their ranks must be considered

as a reward for the great things which they said they would have done rather than to have been acquired by any actual services.

But, gentlemen, before I proceed to examine the parole testimony, let me call your attention to another subject connected with it—I mean the indefatigable pains which have been taken to propagate and keep alive the most hateful prejudices against me. Sir, I believe there never was a greater outrage committed on the administration of justice, and towards an individual, than was the publication of Colonel Cass's (now *Brigadier General Cass's*) letter to the Government of the 10th of September.

That such a letter should be published under the sanction of the administration against a man whom the administration was about to put upon trial for his life, I believe, is a proceeding of which no country on earth has before afforded an example. That the administration should, under such circumstances permit the publication of such a letter as General Cass's—one that labours to represent my conduct in the most odious point of view, and takes pains to heighten the public resentment against me by a colouring which Colonel Cass could not know of his own knowledge was true, appears to me to be a violation of every principle of justice.

The court will please to recollect that Colonel Cass and M'Arthur left Detroit with the Detachment to the river Raisin on the 14th of August—and did not return to the fort until the evening of the 16th—of course they could not know of their own knowledge, what passed in the interim.

No person reading Colonel Cass's letter but would suppose he was an eye witness of all he relates. It is impossible to discover that he was absent in the expedition to the river Raisin—yet General Cass states, as if it was a matter within his own knowledge, that when the troops received orders to retreat into the fort—"one universal burst of indignation was apparent upon the receipt of this order" I beg to quote from this letter another paragraph, to shew what was the spirit with which it was written. The design of its publication I must leave the court to infer.

"To see the whole of our men flushed with victory, eagerly awaiting the approaching contest—to see them afterwards hopeless, dispirited, and desponding—at least—five hundred shedding tears—because they were not allowed to meet their country's foe, and to fight their country's battles, excited sensations which no American has ever before had."

Would not every one imagine that Colonel Cass was here describing a scene, which passed before his own eyes.

Did he actually see at least five hundred men shedding tears—or does the court believe that this is a representation of a fact which really occurred. If it were so, it is extraordinary that not a witness has testified to it. Captain M'Commick says he observed some men shedding tears—but this falls greatly short of General Cass's five hundred. But who were these weeping troops. It is not to be presumed that it was intended that we should believe they were the regulars—they are not commonly much given to weeping—they were not the Michigan militia, because a part of them deserted—and the rest were disposed to go over to the enemy, rather than



fight him. The men then who shewed this very extraordinary sensibility must have been Colonel Cass's patriotic volunteers—The same *volunteers* who mutinied in the camp at Urbanna, and would not march 'till they were compelled to do so by the regular troops—the same *volunteers* who rode the officers of one of their companies on a rail—the same *volunteers*, one hundred and eighty of whom refused to cross into Canada—and the same *volunteers*, who, when they had an opportunity under Major Van Horne to gratify their eager wishes to meet the enemy in combat, ran away at the first fire and left their officers to be massacred.

If General Cass did not witness this scene, why did he make such a representation. There can be no other reason, than that this kind of inflated description, was intended to recommend himself to the Government, by representing himself and his troops in the most favourable point of view—and me in the most unfavourable that even hyperbolic language would admit.

Sir, these are not the only means that have been resorted to, to excite and keep alive the popular clamour against me—others of my officers, finding what favour the publication of his letter gave him in the eyes of the administration, have seen that the same road of preferment was open to them—and the newspapers from one end of the continent to the other, have been filled with letters concerning me expressed in terms, which neither truth, justice, or even the laws of decorum can sanction. Down to this very time, Sir, the same system is pursued. Now while I have been on my trial, publications have appeared in the public prints of this city, commending the principal and leading witness for the manner in which he gave his testimony against me, that those who were to come after him might be encouraged to follow his example. And Sir, at this very moment, at the very door of this building, is hawked for sale, a work printed within these few days, in sight of this capitol, entitled, views of the campaign of the north western army, in which my conduct and motives are most grossly misrepresented. Who are *they* that thirst so for my blood, and take these means to obtain it. It is not the ostensible author of this performance—his insignificance, and the contemptible talents employed in the work, shew him to be too mean to have a motive of his own. I know not who may be the authors or instigators of such outrages upon justice—if such things are permitted, and can have any influence, then the scales ought to be torn from the hand of the figure which adorns the Hall wherein you sit. She ought only to be left the sword, with which she is decorated—and she ought to waive that as an emblem, that *vengeance* and not *justice*, is administered under this roof. But, gentlemen, for whatever purpose these acts may have been intended, I rely with a perfect confidence that you will rise superior to them. If I wanted other assurance of it, than that which is derived from your characters, I should have it in the patience and impartiality with which this prosecution, so far as depended on you, has been conducted.

Before I enter on an examination of the parole testimony, I must be permitted to remark, that I cannot but think that the course which has been pursued, of examining each witness in the presence of the rest, has been unfortunate for me. 'Till this court decided that it should be so, I did

think it was a well established rule of martial law, that the witnesses should be examined separately. The justice and propriety of this rule, I have very sensibly felt on this occasion. In a case where so much may depend upon the language or phrases in which the witnesses express themselves, it would have been desirable that each should have been left to the necessity of selecting his own language to express his meaning. But according to the course pursued, each witness was at liberty to adopt the words which had been used by any other witness on the same point. The disposition of several of the witnesses to do so has, been very plainly manifested, by their answering, when interrogated as to my personal behaviour, that it was the *same* as had been represented by a prior witness.

It is true gentlemen, that the Judge Advocate would not accept these answers, and I presume has not taken them down—but they nevertheless shew the natural disposition of the witness to borrow the words of another, and I have no doubt they have, very conscientiously, and often without knowing it, borrowed ideas also.

Gentlemen, in these courts martial, where the members, among whom there may be great inequality of grades, are intended to be put upon an equal footing as judges, care has been taken to avoid, as far as possible, the influence likely to arise from authority. It is on this account, that the opinion of the youngest member is always taken first. And it was on the same account, as I conceive, that the rule was established, that witnesses should be examined separately—that the younger might not be influenced in his testimony by what might be said by the superior. It would be contrary to experience of the human disposition, to suppose that after a subaltern has heard two or three Generals and officers of higher rank than himself testify, to whose authority he is perhaps subservient, or to whose good word he may have owed, or expect to owe his promotion, he will be willing to contradict what his superiors have said, or even to make a representation which will vary from theirs.

If on any case, Sir, the weight of this sort of influence could be felt on the testimony, the course pursued on this occasion would give it the fairest scope. For the witnesses seem to have been arranged and produced in the first instance, very much according to their rank (except Colonel Miller) after the generals had been examined, then came the subordinates. The exception to this general course as to Colonel Miller struck me as a little singular. I did not know why he should have been examined the last, particularly as he was the highest officer of the regular army who had been engaged in the campaign. He was with me during the whole time, and had the most intimate knowledge of the transactions to which the other gentlemen testified. But when I found that Colonel Miller's testimony was much less unfavourable to me, than the testimony of the witnesses who had preceded him; and that he would not support them in the most material parts of their testimony, I was at no loss to account for this course of proceeding.

The next accusation which I shall consider, is specified under the charge of unofficer-like conduct, and refers to the commencement of the march of the army

It is, in substance, that from the time I took the command, I omitted to exercise, inspect, train, review and order the troops. I cannot believe gentlemen, that it will be necessary for me to say much on this subject. I did expect that if any part of my conduct could have escaped the censure of my enemies, it would have been the manner in which I led the troops through the wilderness. When it is recollected, what an extent of road it was necessary for me to cut;—that a great proportion of the men were constantly employed in this duty—that those who were not so, were most generally fatigued with their turn of this laborious service,—I believe the court will think with Col. Miller, that there was neither time nor opportunity for that sort of discipline and exercise, which, under other circumstances, would have been proper. The commandants of regiments have testified, that as to their respective commands, there was no omission of what was their duty in this respect. The fault charged to me, is then, that in the depths of the forest, through which we were marching, I did not call off my fatigue parties, guards and advances, and go through the ceremonies of military parade.—And yet, as if every thing that I could have done, must, in the opinion of my officers, be condemned—my omissions to have these parades, are not more severely censured, than my conduct has been for making some display of the troops, and in passing them in review, on some few occasions, when I thought it was consistent with our situation. When the corps passed me by sections, after we had crossed the Miami, Gen. M'Arthur thinks it was not a review—because I was not according to his experience, in the situation which a reviewing General ought to have been; though he admits that the officers at the heads of sections saluted me—and he admits that it is possible he might have saluted me himself. At the River Raisin I also passed the troops in review—I did the same at Spring-wells, and marched the troops from thence to Detroit and back. But these parades seem to have excited the indignation of General M'Arthur, as it did, according to his testimony, of other officers—but for what reason, I have not been able to learn. The truth is, that from the moment we commenced our march, the troops were always under my eye. I saw them on their line of march—I saw them in their working parties, and in their encampments. I thought it would be as ridiculous as useless, to make parades in the midst of the woods—whenever the country opened, so that there was room for display, I availed myself of it—not only that I might see the troops, and put them in military array: but I thought it would have a good effect to shew our line to the best advantage at the little settlements which we passed—and on our arrival in the neighbourhood of Detroit.

I shall trouble the court with nothing further in relation to this charge, than the following quotations from General Cass and Colonel Miller's testimony. General Cass states that "from the time they left Urbanna, the march was conducted with all possible expedition. There was no time to discipline the troops."—Colonel Miller on his cross examination says—"on the march there was no opportunity to discipline the troops.

The fatigues of the march, and cutting the road, and making the encampments, were as much as the troops could endure."

Connected with the accusation which I have last answered, is another, which is in substance, that I did not, during the march, prepare and make known an order of battle. That I prepared and published an order of march, is admitted—a plan of it, which has been proved by several witnesses, is before you. This plan as appears from the testimony of General Van Rensselaer and other witnesses, is that which was adopted by General Wayne, in the expedition which he commanded and marched through the same country. This order of march, was in fact, an order of battle—or at least, so little change of the disposition of the troops was necessary in case of an attack, that it could be made in a moment; and was so obvious, that it could never be mistaken. It is remarkable that the commanding officers, whose testimony was expected to support this accusation, all say, that they knew how their respective corps were to form, in case of attack—though, as they say, they never heard of any order of Battle. It seems then, that an order of battle was made known,—and the accusation must then rest upon the allegation; that the order was not made or published by me. General Cass's testimony on this subject, is as follows.

"I think when we arrived near the river Huron, or between that and Swan creek, the commanding officers of regiments, under an expectation of an attack, applied to the General—and he permitted them to form an order of battle. I do not recollect that the General assisted in making the order. I think the plan originated with Colonel Miller—I do not recollect that the order was afterwards submitted to General Hull. I presume there was an orderly book, as orders were issued."

General M'Arthur's testimony on this point is as follows—"on the day we passed the river Raisin, our march was about nine miles, and we encamped near Swan creek. Rumors were among the inhabitants that we should be attacked by Indians who were assembled at the Huron, about six miles in advance—myself and Colonel Findlay called on the General, and stated that some plan of battle ought to be agreed upon. In the march my regiment was divided—a Battalion marched on each side of the road, in the rear of Colonels Findlay and Cass. I mentioned to the General that thus situated, it was impossible for me to be with both my Battalions, and I wished to be permitted, in case of attack, to form them in one line. The General thought it would be well enough to do so. I suggested the propriety of my battalions being so formed on the march in the rear of the regiments, as that in case of attack, I might swing my regiment round, and form the rear line of a hollow square. The General gave me his permission to adopt this plan. I then left him. *Whether I left the other officers with him or not I do not know.*"

Major Jessup testifies that I issued orders on the march—that they were generally sent to him by one of my aids de camp—that he assembled the adjutants and communicated to them my orders. He further stated that the orderly books generally were surrendered—but that Capt. M'Cormick

and Capt. Rutledge who were adjutants of M'Arthur's and Findlay's Regt. had preserved their's. It unfortunately happens that these books have not been brought on by these gentlemen—had they been so, it would then have appeared what orders I did issue—and this matter would not have been left to the uncertain recollection of witnesses.

As I am accused of having omitted to issue orders, and of having given improper orders, I submit to the court, whether I had not a right to expect that the orderly books which were in the possession of witnesses brought forward by the prosecution, would have been produced? especially as I requested Major Jessup might be summoned with a *duces tecum*, to bring before the court all the official documents in his possession, and the orderly book. But I proceed to examine the testimony, in relation to the order of battle. Colonel Miller testifies—"That an order of march was published at Urbanna—and was generally known to the army.—That the army commonly marched according to that order—It was my understanding, says Col. Miller that in case of an attack in front, my Regiment was to form the line in front. In case of an attack on the right flank, we were to form by facing the enemy—and so in case of an attack on the left. This was a general understanding—but I do not recollect to have seen any order to this purport, either written or verbal. I understood it from a conversation with Gen. Hull, and I believe it was so understood by the other officers. The General told me that the order of march which he had adopted, was that which had been pursued by Gen. Wayne. I know nothing to the contrary"—Col. Miller adds—"of the Generals having been almost always, when we were on the march, in a situation to direct the movements of the troops—for the greatest part of the time the Gen. rode near me in front—sometimes he passed to the rear. Generally the army encamped in a hollow square. After we apprehended danger, we commonly formed a breast work, and encamped within it. By a general order each line was to form in front of its tents, if attacked in camp. There was also a general order for turning out the troops by taps of the drum, proceeding from head quarters along the lines. This method was practised, and the troops were called to arms every morning before dawn, by these signals."

I believe, Gentlemen, that this is the whole of the testimony on this point, which can be considered as of any importance. It cannot be disputed then but that there was an order of battle. But General Cass's testimony seems intended to leave an impression that the order did not originate with me—but that it was suggested by my officers, and adopted by them with my consent—without my having given myself much trouble about it. I cannot but think that in this instance, there is a display of the spirit, with which much of the testimony has been given in this case. It seems to have been determined that I shall not even share in the credit of any thing that was done, that ought to have been done, my officers claim every thing that is meritorious as theirs.

General Cass says, he does not recollect whether I assisted in making the order—or whether it was submitted to me after it was made. This is one of the instances, in which it is extremely unfortunate for me that the

recollection of the witnesses entirely fails them, as to matters of the greatest importance, and which might be decisive, if in my favour, as to the particular accusation; while their memories serve them with remarkable correctness and minuteness, as to circumstances which are unfavourable to me.

I hope I may be permitted to digress, so far as to remark another instance of the unfortunate want of recollection, though it relates to a different point.

Major Jessup after having stated that he came to me in the fort, after the flag was hoisted on the 16th of August—adds—"I enquired of the General if it were possible we were about to surrender—the General said something about the enemy's force, and something about terms, which I do not recollect"—Major Jessup then goes on to state very particularly what he said to me to express his strong aversion to the surrender. I have surely great reason to regret that Major Jessup's memory would not enable him to state what I said, when it might have been so important to shew the motives of my conduct—while every thing that he said to me, which was calculated to set his own conduct in the most favourable point of view, made so deep an impression on his mind, that he could undertake to relate the very expressions he had used. But to return to what respects the order of battle.

General M'Arthur states that after, on his suggestion, he had settled with me, how he was to *swing* his Regt in case of an attack—says—"I then left the General—whether I left the other officers with him or not, I do not know." It appears then, that this arrangement about the order of battle, was concluded in the presence of other officers—what others, General M'Arthur does not state. Col. Miller says he understood from conversations with me, what was to be the disposition of his corps in case of an attack.

Thus it appears that Col. M'Arthur, Col. Cass, Col. Findlay and Col. Miller all knew what they were to do, if an enemy was to approach us. What foundation is there then for a charge that no order of battle was made known? If the subordinate officers were not instructed as to their duty in the event of an attack, was it not the fault of these commandants of corps, and not mine? Suppose there had been no written order of battle—but that after the order of march, which so nearly approached the order of battle, had been formed, I had explained to the commandants the disposition I intended, in case of an attack—could any man say I was deficient in duty, because I had not explained my intentions in a written order? I believe no one acquainted with military history or practice will think a General is bound to make an *exposure* of his *plans*, in every orderly book in his army. If the witnesses, on whose opinions these charges and specifications, have been framed, have entertained such erroneous *ideas* of the duties of a commander, as this accusation seems to indicate, I hope, now that some of them have attained a rank which may give them the command of armies, they will learn, that by giving a general publicity in their orderly books to their designs, in case of an attack it will be a departure from their duty—

and that they may often thereby give their enemy an opportunity of gaining information which he ought not to have.

As to the order of battle at night : it is proved by the testimony of Col Miller that that was settled by a general order, which was made known to all—and when the court considers what was the nature of our lines of march—how nearly it approached the only order of battle, which could have been proper in the warfare which we were to expect—how instantly the order of march was made the order of battle—and consider also, that I was always at the head of the troops while they were on the march—I am persuaded the court will think there is no foundation for this accusation—if it has not originated in malice, it certainly has in ignorance. I am unwilling to detain the court longer on a charge, which in my own opinion, is sufficiently answered. But I know I ought not to place so much confidence in my own opinion, as not to avail myself of any thing which may have an influence on the opinions of others. I must therefore, advert to other testimony, which I believe, ought to be conclusive on this point. I mean my letters to the war department. Those to which I shall refer for this purpose, the court will recollect, were read by the Judge advocate. If I had offered them, they certainly would not have been conclusive evidence in my favour—but when introduced on the part of the prosecution, so far as they establish any thing in my favour, they are as good evidence as they are to prove any thing against me. It would be a manifest violation of justice, if this sort of testimony should be resorted to for my crimination, and I should not be permitted to avail myself of it, so far as it might serve for my exculpation. It is a general rule, which applies to the administration of justice in all courts, that wherever a document is read by one side the whole of it becomes evidence, of which either party may avail himself. I beg leave to remind the court that this rule has been acknowledged by the Judge advocate. The court will recollect, that in the course of the examination of Capt. Fuller, Major Parker objected to take down his answer to a question which I put to the witness, as being unnecessary, because the fact as to which I interrogated him, was sufficiently proved by my letters to the Secretary at war. In my letter, dated Solomon's town, 18th June, 1812, I say—"my order of march is in two columns, with strong front and rear guards. The columns flanked by the riflemen and cavalry, where the ground will admit—the baggage, provisions, &c. between the columns. The army has been practised from the two columns to form two lines, either in front, rear, or on either flank—or to form a square facing outward—my order of encampment at night, is a square, facing outward, with all the baggage in the centre, &c."

My letters of the 24th June, 1812, from near Blanchard's creek, inclosed to the Secretary at war the order of march which has been given in evidence. Among the manuscript notes subjoined to that order, is one in the following words—"The columns are in a situation to form two lines in front, rear, or on either flank, or to form a square."

After these observations, I cannot but be satisfied, that the court will think that there was no ground for charging me with neglecting to disci-

pline and review my troops, or omitting to prepare, and make known an order of battle.

The next accusations that I shall consider are, that I neglected to repair and put in order the cannon at Detroit, and to put the place in a state of defence—that I did not seasonably repair and put in a state of service, the artillery necessary for the operations in Canada; and that I did not transport them to the enemy's shore, as soon as I ought to have done. I have already had occasion, incidentally to notice these accusations—and I shall give no further answer to them than to refer the court to the testimony of Capt. Delliba. He states that, when I arrived at Detroit—"The fort was generally in good order, and in a good state of repair"—on his cross examination, Capt. Dalliba says—"The fort was in the state of defence I have described, except as to some immaterial matters on the 4th day of July, before the arrival of the army. Afterwards something was done with the ordnance stores, and mounting the cannon. But every thing designed for the defence of the fort, exclusively, was completed on the 4th of July.—After the General's arrival at Detroit, industry and exertions were used to put in order the field pieces and heavy artillery for the siege of Malden. This was done (says the witness) under my superintendence, and by order of Gen. Hull."

This witness was examined on the 8th of Feb. four days afterwards—on the 12th he is again called by the Judge advocate, and then he testifies as follows: "I had before stated that no alterations had been subsequent to the 4th of July for defence of the fort. Some few artificers immediately after the arrival of Gen. Hull, went to work to repair and mount some heavy cannon on trucks, to be placed in the batteries on the banks of the river; and some repairs were made to three brass field pieces, and a small quantity of ammunition was fixed for them—But no order was received to my knowledge, to prepare the heavy field artillery until after the army went to Canada. I have the order, and think it was dated on the 15th or 16th of July."

I have already made some remarks on this testimony, and stated that the order was in fact given on the 14th of July—until that time the artificers had been otherwise employed. I will remind the court here of the objection offered—and which was over-ruled by the court, to this mode of re-examining a witness. If to examine the witnesses in the presence of each other, be a departure from the usages of courts Martial, it is certainly a much wider and more important deviation from that usage, to call up a witness, and to allow him to make important alterations in his testimony, after he has been listening for days to the testimony of other witnesses.

I now mark this irregularity, as I conceive it to be, for the sake of presenting it, as well as the fact of all the witnesses having been, pursuant to a determination of this court, examined in the presence of each other, to the attention of the high officer, who has authority to review these proceedings. Colonel Miller testifies that he "discovered no want of execution, in respect to preparing the heavy and light field artillery, after the army arrived at Detroit."



General Taylor says—"I believe no time was lost in preparations—timber and some large wheels were got out." Again the same witness says—that he visited the artificers every day, to hurry the preparations, with orders from General Hull—"and I must say, (adds the witness) that General Hull shewed great anxiety in getting the artillery ready. I pray leave to make one remark on this language of General Taylor's, which I am aware may have the appearance of being hypocritical. But I beg the indulgence of the court, 'till I have explained my reasons for noticing a circumstance apparently trivial. Why should General Taylor preface his testimony of this fact in my favour, with the phrase "I must say." It seems, as if, to state any circumstance favourable to me, was the result of a compulsion, to which his mind unwillingly submitted. In this instance he speaks like a *penitent*, whose conscience obliges him to make the acknowledgment of a fact, which his inclination would prompt him to conceal. I had a right to expect that when the witnesses could testify any thing in my favour, they would speak in the same unreserved language which they used, when they intended to expose my misconduct. Upon most occasions, observations on circumstances apparently so light, might not be proper or necessary. But Gentlemen, I beg you to recollect, that the witnesses have undertaken to interpret my *looks*—and have ventured to infer from my *countenance*, from my *appearance* and *manner* what was passing in my mind, and by what *motives* I was actuated. They have not hesitated to express opinions, derived from no other indications—when they knew that these opinions might affect my honour, and my life. It cannot be improper then, that I should ask you to remark even the slightest expression of a witness, which I may think will betray the disposition with which he testifies. It is with reluctance, that I attempt to impeach the testimony of any witness who has been called against me. I have been taught to venerate a soldier from my infancy. I know that the profession of arms generally adds lustre to the most noble virtues. But I know that men do not lose their natures by becoming soldiers, nor by attaining the most elevated rank; and when they can reconcile it to themselves to accuse me of cowardice, from appearances so fallacious; surely I may remark that expressions they have used, indicate bias, partiality or prejudice.

Without detaining the court with a particular recapitulation of more of the evidence on this point, I shall content myself with referring the court to the very important and decisive testimony of Captain Dyson—to the testimony of Captain Bacon, and finally to the testimony of Mr. Watson—who says that after my arrival at Detroit, no man could have been more industrious and indefatigable than I was. I proceed to a new subject, and shall now make my defence against the accusation, which is in substance; that I did not avail myself of the opportunity, which the defeat of the Enemy, by Colonels Cass and Miller, and their possession of the bridge over the river aux Canards, on the eighteenth of July, afforded of making an attempt on Malden;—and that I did not maintain possession of the bridge.

This forms the sixth specification under the charge of unofficer-like conduct.

The exposition which I have already presented, of my views and designs when I crossed to Canada, would, I humbly conceive, afford a sufficient answer to these accusations I did not think it expedient to attack Malden, under any circumstances which existed, previous to our leaving Canada. Why I thought it expedient, I have already explained. The advantages which I thought were to be gained by delay—a regard which my orders compelled me to pay to the security of my own posts—the necessity of keeping open my communication, the certain consequences of defeat—and the probable consequences of victory—have all been considered in making my defence against the charge of undue delay in Canada. If I was justifiable, or even excusable, in deferring the attack on Malden, I must be so in having omitted to avail myself of the possession of the bridge—and in not having attempted to maintain it. It would have been absurd to have attempted to maintain a post so far in advance, unless it was with a view to an immediate movement on Malden. But I beg the court to advert to the date of this transaction. It was not on the eighteenth of July as mentioned in the specification, but on the seventeenth as appears by my letter to Colonel Cass. This was the fifth day after we moved into Canada—at that time the deliberations of my officers in Canada, had uniformly resulted in the expression of an opinion that the attempt on the enemy's fortress should be deferred till the artillery was prepared. And it was immediately after the council at Sandwich in which Colonel Cass himself, as appears by the testimony of Judge Witherell, had advised that the attack on Malden should not be made without cannon.

My views in sending this detachment or rather in permitting Col. Cass to march it, appears from his testimony—I meant it as a reconnoitering party, and by no means intended that the commanding officer should pursue measures which might expose the detachment to be sacrificed, or oblige me to abandon the system I had adopted, by leading my whole army to its support. Col. Cass testifies, that a day or two after Col. M<sup>r</sup>Arthur was detached to the river French, he (Col. Cass) requested me to permit him to reconnoitre the ground between Sandwich and Malden—that I did permit it, and a detachment of 280 men were ordered for that service.

General Taylor states, that he was present when news arrived that Col. Cass had taken the Aux Canards bridge—"That I expressed my astonishment that Col. Cass should have commenced hostilities—as I was not ready with the artillery—that I appeared to be irritated, because Col. Cass had taken upon himself to act, without my authority—the detachment having only been sent out for observation."

It cannot be doubted but that General Cass knew my views, and the objects of his detachment—How far he was justifiable in pursuing measures so contrary to them, not only in making an attack, which might have forced me to a general and decisive action for his support, but after my verbal orders to retire, persisting to maintain his situation, until he had tried the effect of a written remonstrance to me, it is unnecessary now to consider.

I do now believe that the whole of this proceeding was a manoeuvre, to afford grounds for new clamors against me and weaken my authority. My officers, long before they had matured their conspiracy, to wrest the command from me, by actual violence to my person, had formed a plan, of which I firmly believe this was a part, to place me in such a situation as would oblige me to be obedient to their schemes. If any thing successful was done, they would claim all the merit—In case of disaster, the blame could easily be thrown on the commanding General. If I had led the army to the Canards, which probably I must have done, to have maintained the bridge, instead of its being alleged against me as a crime, that I did not do so, do you not believe Gentlemen in case we had been defeated, I should have been charged with misconduct, in having acted in opposition to the advice of all the councils, not to move on Malden, without artillery? And when it is considered that Col. M'Arthur was absent with a large detachment—that I had received no intelligence from him—that I was under great uneasiness on his account—I do think that if I had left him in my rear, and with only part of my army, had taken grounds, which might have been the field of a general action with the enemy's whole force, which was then, either in respect to its regulars, militia or Savages, unascertained, and at that time but inconsiderably weakened by desertion, I should have been highly culpable. Col. Miller's account of this transaction is as follows—"In answer to a message sent to Gen. Hull, he sent us an order to return. The purport of his message was, that he could not soon be ready for the attack on Malden—and could not think of dividing the army. We then wrote to him and pressed in strong terms the necessity of maintaining the bridge. In answer to which, he sent a written discretionary order to us, expressing his anxiety about Gen. M'Arthur, &c."—This order has been proved. It is in the following words.

"Sandwich 17th July, 1812.

Sir,

I have received your letter of this morning. To my astonishment I have not received the least information from M'Arthur. It is possible something unpleasant has taken place. It will probably be a week before the cannon will be mounted. I am sensible of the advantage of holding the bridge. I would, not however, hazard too much for the purpose. The enemy may pass the ford above and come in the rear. I will however leave to your discretion and Col. Miller's, under all the circumstances of the case, to do that which you judge most expedient. Twelve miles are a great distance—and the enemy can either land in boats above the mouth of the river, or pass at the ford to attack you. You know the ground better than I do, and as I before observed—I will leave the measure and the force to your discretion and Col. Miller's and the best mode of security to the party."

I am very respectfully, your most

Obed. Servt.

W. Hull B. General

Commander.

Col. Cass.

Col. Miller further testifies that "upon the receipt of this letter, the officers were called together, and it was decided, that unless the bridge, being 12 or 14 miles from our camp, and only 4 or 5 from the enemy, could be supported by *our whole force*, we had better return, and that as we had not the disposition of the whole force, which was thought necessary, we ought not to take the responsibility."

This testimony I think develops too plainly to be misunderstood the design of these proceedings. I was to be compelled to abandon my own plans and to adopt those of my officers. I was to be compelled to lead my whole force in a manner, under the walls of Malden, without being provided with artillery—and I was urged to do this by the commandant of the detachment, who, but a day or two previously, had given a decisive opinion in council, that the attack on Malden should not be made until the ordnance was prepared. But when it was found that my order left the officers of the detachment a discretion, and that if any attempt to maintain the bridge should be attended with any disaster, the officers must share the responsibility—then there was no doubt as to the measures to be pursued. It would have disappointed the whole design, if I should escape any part of the odium.

But however this affair of the bridge has been magnified, it is a fact, that the possession of that pass by the enemy, never was contemplated as an obstacle to a movement on Malden. They in truth, never attempted to maintain possession of it. Col. Cass's rencontre was only with a reconnoitering party. According to the testimony of Col. Miller, they saw no more than 50 of the enemy—He says they had about 25 men on the bridge, and about 25 on our side, and that some men were discovered in the woods. After this, there were, as appears from the testimony of Col. Cass, repeated detachments sent from Sandwich to the bridge. They always found it unoccupied by the enemy. It could then have been no object to have moved the army to that post, until the attack on Malden was determined upon.

It is curious to observe what trivial and irrelevant circumstances ingenuity can bring together to create false appearances. Some of the gentlemen who were prisoners with the enemy at the time of this transaction, have been produced to testify that when accounts reached Amherstberg that our detachment had appeared in the Aux Canards, it created great consternation, and it was intended that it should be believed that the enemy were ready to abandon their post at our approach. But it turns out upon further examination from witnesses of the same description, that the disposition to fly was only manifested by the town's people, who thought it unnecessary to expose their persons and effects in a place which was likely to be invested. This, so far from evidence of an intention to yield the place without contest, is not an unfrequent measure when the most obstinate resistance is intended. In my letter to the Secretary at war of the 19th July, I mention the affair at the Aux Canards Bridge, and say great credit is due to Col. Cass and his detachment for firmness—Col. Cass and the other volunteers, when supported by the proportion of regulars which were with them in this first encounter with any enemy, I did think

While Sir, I feel myself bound to acknowledge the liberality with which I have been treated by the Judge Advocate in the course of this trial, and the delicacy with which he has in general refrained from repeating the odious epithets which are so profusely and wantonly used in the specifications. I cannot but regret, that he has in respect to this charge departed from his general observance; and that he should upon such evidence as was before him have thought himself justifiable in imputing to me misconduct on this occasion an useless waste of *American blood*.

Sir, the American blood that was spilled in the contest at Brownstown was gloriously shed. It purchased a victory that did honour to our arms. True it was ineffectually shed—but to lay the failure of the enterprize to me and to reproach me with this waste of blood, is as unjust as it is inhuman.

I do not understand that I am supposed to have done wrong in sending the detachment, or in not making it of greater force—By the testimony of Col. Miller, it appears that he marched with 600 men instead of 500, as is mentioned in the specification—But the misconduct imputed to me is as I understand solely that I omitted to supply Col. Miller with provisions after the battle at Brownstown.

With respect to the want of provisions it appears that the detachment was amply provided when it left Detroit. The march they were to perform was about 30 miles—and Col. Miller states that they were furnished with a supply for two days, when they set out—but (he says) the provisions were thrown away with the men's knapsacks when they were attacked—and though he represents the enemy to have been entirely beaten, and so far driven from him, from off his route, that Captain Maxwell went from him to Brownstown and back, and reported that the enemy were all gone—and though Col. Miller states that he returned to the battle ground with his whole force and was in fact undisturbed on that ground nearly two days—yet he says in his cross-examination that the provisions were not recovered, because he could not suffer his men to separate and take them up.

I cannot conceive what necessity there could have been for his men's separating. It appears to me that he would only have had to march his whole detachment over the ground where the attack was made and the provisions might have been recovered with as much security to the detachment, as when they were remaining inactive in the position to which they had retrograded. Col. Miller in his account of this transaction states, that he considered that his victory opened the communication to the river Raisin sufficiently for him to have proceeded—that on the evening of the day on which the battle was fought (that is on the 9th) he sent Major Snelling to make a report to me to inform me of the loss of provisions—and to request that I would send boats or waggons with provisions, and to take back the wounded. He was also to request a reinforcement for Col. Miller—which Col. Miller on his cross examination says he suggested should be from 150 to 200 men.

Col. Miller also states that Col. M<sup>r</sup>Arthur came down the next morning (that is on the 10th) with 8 or 9 boats, and brought with him no more than

two barrels of flour, one barrel of pork, and half a barrel of whiskey.

That the place where the battle was fought, was about 14 miles from Detroit, and 16 to the river Raisin, between Maguago and Brownstown; it being late in the day before the wounded men could be got on board the boats, he knew that he could not get through before the next night (that is the 11th) moving as cautiously as they ought to do. That the men still complaining of hunger, he concluded that he could send to Detroit that evening (that is the 10th) and have provisions the next morning. That he accordingly sent an express to me on the evening of the 10th, requesting that I would send him two days provisions. That no messenger from me came to him until sundown the next day (that is the 11th.) That the messenger informed him that he had been detained by his losing his way. That this messenger brought him an order from me to return to Detroit, and informed him that he would find provisions at the river Ecorse. That on the same evening he took up his march for Detroit, and arrived there the next day, the 12th. That his force was 280 regulars and 320 militia, some of the Michigan militia, and some of the Detroit horse. That the militia behaved well. That his loss was 17 killed and 64 wounded.

Sir, it has always appeared to me most unaccountable, that Colonel Miller, after he had disposed of his wounded men, on the 10th, and when, according to his own testimony, he considered that his victory had opened the communication to the river Raisin, did not proceed; he had but 16 miles to march; he remained in the position he had taken, from the evening of the 10th, when he had embarked his wounded men, until the evening of the 11th, that is 24 hours, when he might have accomplished his march, as I should think, in 4 or 5 hours. At the end of it he was sure, not only to meet the provisions he was sent to escort, but a strong reinforcement from the detachment under Captain Brush. He says, however, that on the evening of the 10th, he determined to halt where he was, and to wait the return of an express from me, because he should be obliged to move with so much caution that he knew he could not get through until the next night. A very extraordinary caution, indeed, must have been necessary, that could have retarded, for so long a time, the march of a body of troops for 16 miles, through a space, which it had been ascertained, by the report of Captain Maxwell, was as far as Brownstown, at least, free from an enemy. But if the want of provisions was a reason for not proceeding to the river Raisin, why did not Colonel Miller push on to Brownstown? There was an Indian settlement which, without doubt, was, at least, capable of supplying his immediate wants; and from which he could not have been distant but a very few miles. If there, he could have got but one meal for his troops, it does appear to me that there would not have been any great enterprise in undertaking

the rest of the march, which might have been 12 or 14 miles, without any further provisions.

It did appear to me not less extraordinary, that when Colonel Miller advised me that when he had gained so decisive a victory, that he considered his road to the river Raisin as opened; and that he had ascertained that there was no enemy between him and Brownstown—that he should, at the same time, have made a demand on me for a reinforcement of 150 or 200 men, when, after his battle, he had 520 effective men, 230 of whom were of his own regiment, and were almost the whole force of that description which I had under my command.

Let me here remark, if so great a force, that is to say, between seven and eight hundred men, were necessary to force their way to the river Raisin, what proportion of my troops must have been necessary, not only to keep open the communication for that distance, but to guard the line all the way to the state of Ohio.

But it is not my business to examine the conduct of Colonel Miller, farther than to show that when I despatched him, with so large a detachment, with rations for two days, I had made every provision which I had any reason to think his exigencies would require. When, however, I received his demand for provisions, I took every measure that the duty of my station required to supply him. Colonel McArthur was charged with this service, and I beg to present to the court his account of the manner in which he performed it. "On the day we crossed from Canada," says Colonel McArthur, "that is the 8th of August, Colonel Miller was sent with a detachment for the purpose as was stated, of opening a communication with the river Raisin. The night succeeding Colonel Miller's battle at Maguago, (perhaps the 9th) the general sent for me; the night was wet, he informed me of the battle, and directed me to take 100 of my regiment to take the boats along the river, and to descend to Colonel Miller's encampment, for the purpose of bringing up the wounded men. He directed me to get one day's provision for Colonel Miller's detachment. I called at the commissary's and was detained there 3 or 4 hours in getting it—I got what I could."

It has been my misfortune, sir, that I have not been able to obtain the testimony of Mr. Beard, the commissary. He has been regularly summoned by the judge advocate, at my request, and I have several times written to him, but he has not made his appearance. The judge advocate, however, with his wonted candour, has admitted a document which, in some measure, supplies his testimony. It is an order which I issued to the contractor, on the 9th of August, for delivering rations to Colonel McArthur for Colonel Miller's detachment. The receipt of which order is acknowledged by the contractor, or a copy thereof, which is in the following words:

"The contractor will issue six hundred rations of bread or flour, six

" hundred rations of pork, and twelve hundred rations of whiskey, to  
 " be sent to the detachment under the command of Colonel Miller..

" By order of Brigadier General Hull,

" H. H. HICKMAN, Captain Infantry."

August 9, 1812.

(Correct copy.)

D. Beard.

Now, sir, it appears that General M<sup>r</sup>Arthur knew that one purpose of sending him to Colonel Miller's detachment was to carry provisions. He says I directed him to take one day's provision for Colonel Miller's men. That he was detained by the contractor 3 or 4 hours, and took what he could get; and it appears that he arrived at Colonel Miller's encampment with only two barrels of flour, one barrel of pork, and half a barrel of whiskey. When I had given the order to Colonel M<sup>r</sup>Arthur to take the provisions; when I had issued the order to the proper officer to issue them to him, had I not done every thing that was incumbent on me as commanding officer? was it my duty to go to the commissary's store, and to superintend the issues? If Colonel M<sup>r</sup>Arthur found the commissary disobedient to my order and unduly detaining him, why did he not report to me? How will Colonel M<sup>r</sup>Arthur excuse his having departed on this service without having with him the quantity of provisions I had ordered? Is it sufficient for him to say he took what he could get? If there was any deficiency he ought to have informed me of it. He could have had communication with me in five minutes. If want of provisions was the reason why the American blood, that was spilled at the battle of Brownstown, was shed in vain, I again ask was it not most unjust to charge that waste to me? On the 10th of August I issued another order for provisions for Colonel Miller's detachment—this has also been read and is in the following words—

" Detroit, August 10, 1812.

" The contractor will issue for Colonel Miller's detachment, two  
 " thousand complete rations.

" A. F. HULL, aid de camp."

These provisions were sent by the contractor to Colonel Miller's detachment. Colonel Miller met them on his return and brought them back with him.

An accusation of the same nature with that which I last considered is, that I also omitted to supply with provisions the detachment which left Detroit on the 14th of August, under Colonels M<sup>r</sup>Arthur and Cass. General M<sup>r</sup>Arthur's testimony on this subject is as follows. " That on  
 " the 14th of August, about noon as he thought, I sent for him and in-  
 " formed him that I had just received intelligence from Captain Brush  
 " that he had arrived at the River Raisin with provisions, and  
 " said I wished to send out a detachment to meet him—that he repli-  
 " ed he was ready to obey my order. Colonel Cass said the same  
 " thing. That they (the witness and Colonel Cass) then returned to  
 " camp, and shortly after received an order to detach 150 men from



"each of their regiments. That in the evening I came along and asked if they were ready to march. The witnesses answered that they were not—but as usual had not a bite of any thing to eat. That I said the detachment must not be delayed—and that I would send provision after them." The witness then gives an account of the proceedings of the detachment 'till its return to Detroit—and states that they never received any provisions from the fort.

I cannot but think that this account of General M'Arthur's conduct, though given by himself, will excite the surprise of the court.

He was ordered to march a detachment at about 12 o'clock. He does not move 'till evening, and then I find that he has not obeyed the order. He gives me to understand that he has been waiting for provisions. If there was no order for provisions, why did he not apply to me on the subject? But there was one, and I think General M'Arthur's testimony shews it. When he sees me he does not complain of the want of an order, but that he cannot get the provisions. If there was an order, and the proper officer did not obey it, why was not the disobedience reported to me? Instead of pursuing so obvious a course, Colonel M'Arthur chose rather to remain in his camp 5 or 6 hours. And if I had not accidentally met with him, how much longer he would have considered his delay warranted by the same cause, it is impossible to say. It does appear to me that this conduct of General M'Arthur is very unaccountable. Perhaps he had no inclination for the service he had been ordered to perform, or it may be, that he thought that by the delay, or by going without provisions he would bring blame on me. The behaviour of General M'Arthur upon these two occasions, that is to say, in respect to the provisions which he was to take for Colonel Miller; and in respect to provisions for his own detachment, it appears to me manifests very strongly that there was some hidden motive for his conduct—and in this last instance there is a mystery which I am sure is not explained by any thing he has said. It never can be believed that he waited so many hours solely for the purpose of obtaining an order for provisions; or if he had an order, that his delay was merely for the purpose of having it executed. If his only object had been to procure provisions, the means of doing so by an application to me were so obvious and direct that he could not have hesitated to pursue it. But if the court will recollect that at this time the conspiracy had been formed to take the command from me; and that General Cass in his letter to the government has stated that the execution of it was only prevented by his and General M'Arthur's having been sent on this detachment, it may account for the conduct of these officers. The delay was possibly to mature their plot and to put it in practice.

If General M'Arthur was on his trial for misconduct in relation to these transactions I am persuaded that his testimony ought rather to convict him than me.

But I did take measures for supplying the detachment with the ne-

cessary provisions—My information from Captain Brush was that he would be on his march with the provisions under his escort, with the expectation of meeting a detachment from Detroit for his support.

It appeared to me that not a moment ought to be lost in sending a force to meet him, and when I found that General M'Arthur had delayed to execute my orders for so many hours, I determined that the departure of the detachment should be no longer postponed—I therefore ordered it to march, and determined to send provisions after it on pack horses. I immediately gave the necessary orders to the acting commissary general for that purpose. This is proved by the testimony of General Taylor. He says that on the 14th of August I did give him an order to furnish pack horses to carry provisions for the detachment going to the River Raisin, under Colonels M'Arthur and Cass; that he did not know that the provisions were sent, but the pack-horses were furnished for the purpose, and he presumes the provisions were sent. That I gave all the necessary orders for sending them is certain: and if my orders were not complied with, I do not think that I am the person that ought to be called to answer for it. It never can be expected that a commanding officer should not only give orders, but that he should attend to the execution of the details. There was, as Mr. Watson has testified, a want of system in every department of the army, which it was impossible for me to remedy: because the heads of them were totally inexperienced. However the fact is, that the provisions in this case were sent. But as the detachment, pursuant to my orders, took an unusual and obscure road, the guides, as I have heard, misled the provisions, and they were not heard of before the surrender.

In the 7th specification, under the charge of un-officer-like conduct, is assembled a variety of accusations. The first is a little incongruous in its language. It is stated that the enemy having erected batteries opposite to Detroit—I was from the 11th day of August to and including the 16th day of the same month, guilty of a neglect of duty in not preventing the enemy from erecting the said batteries. It would be an answer to this charge to say that I could not have prevented the erection of batteries which it is stated were already in existence. But though I think there are many incongruities of the same nature in the specifications; I have not attempted to avail myself of them, and shall no further notice this.

The Court will observe that this accusation is connected with and indeed entirely rests upon a previous allegation, that I well knew that these batteries were erected by the enemy with an intention to annoy Detroit, and with a design to facilitate the invasion of the Michigan territory. The fact is that I had no such knowledge; I had a firm persuasion that the enemy would not invade our territory. I did believe that the war on their part would be entirely a defensive war, and that these batteries were only intended for the defence of their own shores—I admit, sir, that my opinions in this respect subsequent events

have proved, were entirely erroneous. But I cannot believe that a mistake in opinion or judgment is to be punished as a crime. This would be less a defence to an accusation of this nature, was not the charge so connected as I have mentioned with the allegation that I knew how the enemy intended to employ their batteries: the question must be first asked had I this knowledge? There is not a particle of evidence that I had—and if this question must be answered in the negative, the accusation is not supported. But I do not rest this part of my defence on this ground.

That the enemy did erect batteries opposite to Detroit, and that I did not attempt to annoy them till they commenced their fire on the 15th, are facts not to be disputed. I did not annoy them for the reason I have above mentioned—that I considered them as mere defensive works. But a desire to preserve my own ammunition was the principal reason for this conduct. I might have hindered the enemy from progressing in the day time; but in the night any annoyance I could have given them would have been ineffectual. Captain Dalliba has given a statement of the ammunition.—Captain Dyson of the artillery supposes that it would not have lasted more than 3 or 4 days if we had commenced and continued firing. The fixed ammunition he says could not have lasted more than two days.

Captain Bacon testifies that on the morning of the 16th, he examined by my orders the magazine and could find but one box of 21lb. cartridges, and that he reported to me that they were nearly expended. The testimony of all the witnesses who had spoken shows that my mind was impressed with the necessity of sparing the ammunition, and that this as well as the expectation that the enemy did not intend, as long as I did not provoke offensive operations, were the reasons why I did not cannonade the enemy while they were fortifying on the opposite shore. Major Trimble testifies that when he proposed to me to fire on a party of the enemy which made its appearance on the 14th of August at Sandwich, I answered that it would not do to expend the ammunition uselessly. Captain Bacon says that on the morning of the 16th he was directed by me to go to Captain Dyson at the battery where he commanded, and inform him that the 24lb. ammunition was nearly exhausted, and that he must not fire, but when there was a prospect of his doing execution. Another of the accusations which are assembled in this specification is that I omitted to fortify Spring-Wells. I do not know why it might not as well have been alleged that I omitted to fortify any other position in the River Detroit.

It is not in proof that that spot was particularly adapted to a fortification. If it had been fortified the enemy would not probably have selected it as their place of debarkation. Almost any other spot within the same distance above or below the fort, was as well calculated to afford them a landing. This specification also accuses me of having neglected to annoy the enemy after he had landed at Spring-Wells. Gentlemen,

the answer to this specification is embraced in the defence I have made as to the final surrender.

I had made preparations for attacking; the troops were drawn out and formed in line of battle; but before the enemy came up, I determined to surrender. My reasons for this measure I have already explained, I shall not repeat them. I will only beg you to observe that the reasons I have offered have not been suggested merely for the present occasion.—Major Munson testifies that he saw me the day after the surrender, that I told him I expected to be censured for what I had done—but said, “I have done what under all circumstances was most proper, and I have saved Detroit and the territory from the horrors of an Indian massacre.”

But I am accused of having made the surrender in an un-officer-like manner, in having made it before the articles of capitulation were signed, in not stipulating for the honours of war, or for the friendly inhabitants of Canada who had taken protection from us. Before I make observations on this subject I beg leave to present to the court collectedly the testimony which relates to it.

Major Snelling testifies in substance that immediately after the second shot which did execution in the fort, was fired, Captain Hull was sent across the river with a flag, and that he (Major Snelling) was sent to order Colonel Findley into the fort. The witness having performed this duty, went to one of the batteries. While there a British officer with a flag came to enquire what was the meaning of sending the flag across the river, when General Brock was on the American side. Lieutenant Hunt then went with the information to me, and returned with a sealed letter, and orders that he the witness should carry it to General Brock. That the witness met General Brock at the head of his troops about three quarters of a mile from the fort, where they were not in sight from the fort.

The witness having delivered the letter of which he was the bearer, General Brock asked the witness *if he was authorized to agree on terms?* The witness said not—General Brock then asked two of his officers to go with the witness to the fort. As they approached the fort they were met by some persons who conducted them to a tent which had been erected by my orders, where they were met by Colonels Miller and Brush, commissioners appointed by me, and the capitulation was there signed by the commissioners. The contents of the note the witness says were no more than these words—“Sir, I agree to surrender the town and fort of Detroit”—He would not undertake to say that the words he gave were the whole substance of the note, but he believed they were.

Major Snelling further testifies that before the capitulation was signed he saw me near the marquee in conversation with Colonel Findley and with the British officers, Colonel McDonald and Captain Clegg, who were within the marquee. The witness said he did not recollect that

I took any part in drawing up the capitulation. That I ordered off a number of our officers who were collected about the marquee, and among the rest the witness.

In a subsequent part of his examination he says that before the capitulation was signed, Colonel Findley's regiment was marched into the fort which was very much crowded.

Captain M'Cormick testifies that after Colonel Findley's regiment had been ordered into the fort, he met Colonel Findley as he was going into the fort. That they there saw me. That I requested Colonel Findley to join Colonel Miller to treat with the enemy, and said that we could get better terms than we should if we waited 'till they attempted to storm the fort. Captain M'Cormick further testifies that as he went out of the fort, he saw the British officers Colonel M'Donald and Captain Clegg coming towards the fort. Some one said it was improper they should be permitted to come in, and they went to the tent. Shortly after the British officers, with Colonel Miller and Colonel Brush came into the fort and were there together in Dyson's quarters, where as he supposes the capitulation was signed. The witness further testifies that before this and at about the time the British officers and Colonels Miller and Brush went into Dyson's quarters—nearly all the troops were marched into the fort. In his cross-examination Captain M'Cormick says it might have been ten minutes, half an hour, or more, after the firing ceased, before the troops were ordered to march into the fort. That the witness did not come into the fort till half an hour after the firing had ceased. Major Van Horne testifies that on the morning of the 16th Captain Hull came to the tent of Colonel Findley in which the witness also quartered, and informed Colonel Findley that it was my orders that his regiment should move to and form on the south west of the fort.

The witness then describes the situation of Colonel Findley's regiment in the line, and the manner in which the whole line was formed. He then further testifies that after the line was formed, and about an hour or half an hour before the flag was hoisted, I came to the line. That this was during the cannonade. British officers were then seen passing to and from the Indians. That I appeared satisfied with the positions of the troops. That the witness said to me we shall be able to give a good account of them. About the time the firing ceased witness turned round and saw a flag hoisted in the fort—and at about the same time Captain Snelling came with orders from me to Colonel Findley to march his regiment into the fort; and said that it was my directions that as the flag was out it should not be violated.

The witness further testifies that I remained at the line formed by the troops about three, or it might have been five minutes. That Colonel Findley expressed dissatisfaction with the order but said that it must be obeyed, and directed the witness to march his battalion to

wards the fort which he did, but halted near the fort some minutes. That finally he marched his men into the fort and there stacked their arms. That Colonel Findley did not come until some time afterwards.

The witness further testifies that when he got into the fort he saw me, but was not certain that I was there when he entered. That some time after the witness had been in the fort I addressed him and several other officers at the same time, and invited them into the room of one of the officers. That I told them I had surrendered the fort and *was about to make the terms*. That I asked if they thought of any thing as a condition, I should be glad to know what it was. That the witness did not go into the room. That when he first saw me I was on the steps going into one of the rooms. That some time after this Colonel McDonald and Captain Clegg rode up, came into the fort, and went into the room where I was. That the witness does not know whether I did or did not go into the marquee before the British officers came in. That our whole line, as he believes, had marched into the fort and stacked their arms. That this had taken place before the British officers came in.

Major Jessup testifies that he had observed our troops retreating, and saw the flag flying. He met Colonel Findley who requested him to ride towards the fort and learn the reason of the retreat. That he found me in the fort and thought me very much frightened. That after a conversation with me, of which he has repeated his own gallant expressions, but unfortunately cannot recollect what I said, he went out and met Colonel Findley, and said to him all was lost. That when he saw me at the time the terms of capitulation had been agreed upon, that he met me in a piazza before Captain Dyson's quarters. That I was then perfectly composed.

He then relates a conversation with me which concluded with a request that he would continue to act in his station 'till the troops were marched out of the fort. That he consented to this and received from me or one of my aids a copy of the capitulation, which I directed him to read to the troops, and that he did this when the troops were marched out at about 12 o'clock.

The witness further states that he thinks a detachment of the enemy came into the fort, before the articles of capitulation were signed. But that he is not certain whether the enemy's troops marched in before the American troops marched out—but knows that the American troops did not march out 'till after the capitulation was signed. Captain Burton testifies that he knew when the capitulation was agreed upon. That it was done in Captain Dyson's quarters where he saw me, General Brock, and two or three British officers. That they were writing and preparing the articles of capitulation. That he heard remarks which induced him to believe that the articles of capitulation were not agreed upon. That he could not say whether the American troops were then in the fort—but there were at that time 150 British troop

standing with advanced arms in the fort. The enemy were at or about this time placing guards in and about the fort. That the reason why he supposes that the articles were not at this time finally agreed upon, was that he saw General Brock with a paper from which he struck out two or three lines, which, as he understood, related to the regular troops returning home, which General Brock said he would not agree to.

That at about this time he saw one of the British officers writing.—Before this he had seen the British officers and American officers at the marquee, and that I also had been there.

That it was about three quarters of an hour after he saw the British officers going with me to the marquee before he saw the British officers in Dyson's quarters. On his cross-examination by the court Major Jessup says—when the terms of the capitulation were discussing the American troops were crowded in the fort in the utmost disorder—and the enemy were permitted to approach so near the fort as to be able to take possession of the batteries.

Captain Fuller testifies that soon after the white flag was hoisted he went to the fort and there met Colonel M'Donald and Major Clegg. That I was standing near the gate. One of the British officers said to me that they were sent by General Brock, in consequence of seeing a white flag hoisted, to receive any communications.

That I replied I should surrender, and desired them to go to the marquee, where I would go or send to them. That Major Clegg requested the witness to go with him to the marquee for fear our militia might fire on him. That he went with him to the marquee; they were furnished with pen, ink and paper by Major Snelling: that soon after they got to the marquee I, Colonels Miller and Brush came, that he staid near the marquee about ten minutes and then went to the fort, leaving me at the marquee. That when he returned to the fort he found our troops were in, and had stacked their arms; that some time after he saw the British officers, M'Donald and Clegg come out of Dyson's quarters, one of them having a paper which he said had been signed by me, and that he was going to take it to General Brock for his approbation, and wished the witness to go with him for the same purpose that he accompanied him to the marquee.

That the witness went and found the British column led by Colonel Proctor about half a mile below the fort. That he left Colonel M'Donald and returned to the fort.

Colonel Miller testifies that on the morning of the 16th I was in the fort, that it was reported to me that the enemy were advancing, and that part of the Michigan militia had joined the enemy. That upon this I asked him if I had not better send out a flag, he told me he did not know, I had better consult the officers who were without the fort, that they had the best opportunity of judging. That I said there was no time for consultation, that I would send a flag and that I did so. That some time after this, Colonel Findley's regiment marched into the gar-

rison. That I went to a tent and sent for him, that when he approached the tent I was standing in the tent, with my back towards him, that he heard me say to the British officers in the tent " I will surrender." That I then requested him with Colonel Brush to assist in drawing up some articles of capitulation.—That he remained at the tent, lying on the ground in a violent fit of the fever and ague while Colonels Brush and M'Donald were penning the articles.

The original articles of capitulation were then shewn to the witness and he said he believed them to be those which he had signed, but said he was strongly impressed with a belief that when they were read to him, and he signed them, that they contained a provision that the garrison should march out with the honours of war.

In his cross-examination by the court, Colonel Miller states that according to his best recollection, he went to the tent between 10 and 11 o'clock in the morning of the 16th. That he remained about three quarters of an hour, that after he had signed the capitulation, he went to the fort and went to bed; there were then no British troops in the fort, but he saw as he went in a company of about a hundred British soldiers standing near the gate of the fort. In a subsequent part of his cross examination he states that I told him I was willing that he should make a surrender the basis of a treaty, and that he must get the best terms he could. He further says that when I sent out the flag, I mentioned to him that I did it to gain time. That I expected to procure a cessation of hostilities, and that I might in the mean time hear from Colonels M'Arthur and Cass. Colonel Miller was called again a few days after his first examination—and he then stated, that after the first flag was sent out, and before an answer was returned, Colonel Brush came to me, and, having been informed that Knagg's men, who had the advanced post below the fort, had deserted to the enemy, Colonel Brush exclaimed that " By God," or that " he believed by God his men would desert to a man."

I believe, may it please the court, I have here collected all the testimony that is material, whether it be for or against me, which in any wise relates to the matter now under consideration. I do not pretend that I have given the very words of the witnesses in all instances—But I have done so as nearly as my own recollection and the notes of my council would permit. If there be any errors or omissions, they certainly cannot be intentional, because I know that the members of the court will have recourse to their own minutes and to the record of the judge advocate: and if it should appear that I have in any respect wilfully perverted the testimony, it would be an artifice from which I should derive no benefit.

In reviewing the testimony the court I think must at once perceive a strange variety in the statements of the different witnesses, though the times at which the different transactions took place, are all important, hardly any two of the witnesses agree in this respect. The court



will recollect that there are three documents in evidence which appear to form the articles of capitulation. These are all dated on the 16th of August—one purporting to be the articles of capitulation: the other purporting to be a supplement to the articles, and the third purporting to be an addition to the supplemental articles. There is also a fourth document, being a letter directed to the commanding officer of the Rapids, which purports to be an explanation of the articles of capitulation. Before I make any observations on this testimony, I will give the court a relation of my conduct in respect to the surrender, and state the motives which influenced me. If a departure from the forms, ceremonies and etiquette of modern warfare, where civilized men are the belligerents, will condemn me I must submit. But I do persuade myself that this court will consider my peculiar situation and the character of the enemy which was opposed to me; and that I will be thought excuseable if I permitted a precipitation to which some forms and pageantry were sacrificed, with a view to save from the cruelty of the savages many brave men and many families of parents and children.

As soon as I found that the enemy intended a serious attack upon Detroit, I knew that sooner or later my army must fall. I knew that even victory would not save me, and could be but a temporary advantage. The certain consequences of defeat I could not contemplate without horror. It presented a scene which I need not attempt to describe. It is obvious that it would have left our savage enemies to indulge, without restraint, their passion for rapine and cruelty. The small body of regulars which I had with me I was obliged to keep in the fort for its protection; I had no other troops that understood the management of cannon; with one third of the residue of my force absent, and with nothing to rely upon, out of the fort, but untried and undisciplined militia, officered by men, most of whom were in hostility to me, and had even conspired against me. What was I to expect from such a contest? I determined, at any rate, that I ought, if it were possible, to ward off the attack, and gain time until the detachment under Colonels M'Arthur and Cass, who were my two senior officers, might return.

The court will recollect that I had sent an express for them, as soon as I received General Brock's summons on the 15th. After the line was formed on the 16th, as appears by the testimony of Captain M'Cormick, Colonel Van Horne and Major Snelling, I visited the troops where they were drawn up. I then went to the fort in expectation of hearing of the absent detachment; but receiving no intelligence from them, I determined to propose a cessation of hostilities—to treat of a surrender. I accordingly sent a flag over the river, and when the British officer came to enquire the meaning of that flag, I sent the note to General Brock of which Major Snelling speaks. That these were my views when I sent the flag, appears by the testimony of Colonel Miller, to whom I explained myself on the subject. I do not recollect what

were the precise words of this note, but I think it will appear very evident to the court that the contents of it could not have been as Major Snelling has stated, neither more nor less than an offer of unconditional surrender. For according to Major Snelling, the first question General Brock put to him, after he had read the note, was to ask Major Snelling if he "was authorized to agree on terms?" No such question would have been asked if I had offered to surrender without terms.

As soon as I had determined to negotiate, I also determined to change my positions for defence. I thought it better to draw the troops to the fort, and if I made a resistance, it was my opinion that I could do it to most advantage by manning the fort with a full complement, and forming a line, supported on the right by the fort, and on the left by the citadel and the batteries on the bank of the river, having in front a line of pickets which extended from the fort to the citadel, and which was intended to cover the communication between one and the other. With these views and intentions I ordered the troops to the fort, intending to post them from thence before the negotiation should break off, if there should be no terms agreed upon. When these orders were given, I had appointed Colonels Brush and Miller to repair to a tent without the fort and treat with the enemy. At this moment I received the intelligence that the two companies mentioned by Major Anderson, Knagg's and Shover's had gone over to the enemy, and heard from Colonel Brush, the declaration that by God every man of his regiment had, or would desert. The consequences of such a defection immediately occurred to me. Colonel Brush's troops had been posted to guard the upper part of the settlement. If they made no resistance, there was nothing to hinder the British and their savages from landing above the town, and while we should be engaged with the invaders from the south, the savages would be making indiscriminate slaughter of the inhabitants, through the whole extent of the northern part of the settlement. From this moment I determined to surrender on the best terms I could obtain. I told Colonel Miller that this was my determination. I went to the tent, Colonel Miller had not arrived there. I had mentioned to Colonel Brush and the British officers the terms I should insist upon, and concluded by saying "*I shall surrender,*" meaning on the terms I had previously mentioned. This was the declaration Colonel Miller heard. After I had explained the terms I had expected, I left the tent and returned to the fort. On my arrival there, I found, to my surprise, that all the troops had crowded into the fort—had stacked their arms, and were in a state of entire insubordination. Let it be remembered that neither of these steps had been taken by my orders. I had ordered Colonel Findley's regiment only into the fort, and it is not proved or pretended that I gave any orders for stacking the arms. I now became impatient to put the place under the protection of the British. I knew

that there were thousands of the savages around us. Every moment reports were brought to me of their depredations, and in the situation in which my troops then were, I could afford no protection to the inhabitants. I was anxious that our enemies should have the command and government, that they might be able to put a restraint on their savage allies, which I had no power to do. An additional weight upon my mind, that had great influence on my conduct, was, what I considered might be the dangerous situation of the detachment under Colonels M<sup>c</sup>Arthur and Cass.

I thought it possible it might be at a distance, and might be cut off. If we should unsuccessfully resist, I was sure it would. In this state of things the articles of capitulation were brought to me from the tent signed and executed. I accepted them. I gave a copy of them to Major Jessup, as he has testified, and he afterwards read them to the troops, when they marched out at 12 o'clock. These must be considered as the articles of capitulation, and by these my conduct must be tested; for the other two documents, the one styled *supplemental articles*, and the other an addition to the *supplemental articles*, are rather to be considered as an agreement between myself and the enemy's general, than as parts of the capitulation. I admit that when these were signed I had no power to resist, if he had not chosen to agree to them, and therefore they are no more to be considered as a part of the capitulation than the letter which bears date the next day. It were these supplemental articles which were signed in Captain Dyson's quarters, and most of the witnesses who speak of what was done before or after the capitulation was signed, obviously speak with reference to the execution of these instruments.

God knows the articles are not what I would have wished to have had them. If I had been warring with civilized man, where the blood of combatants could only be shed, I ought not, and would not have accepted them. But when, upon the consequences of refusing them, depended the lives of so many innocent people, I did not feel myself authorized to reject them. Having put before the court the testimony which relates to this specification, and given my own account of the transactions to which it relates, I will again notice the accusations, and make some few observations upon them.

The first accusation is that I surrendered before the capitulation was signed. This is certainly disproved. There was not an enemy in the fort before the capitulation was brought to me from the tent; nor before I delivered a copy of it to Major Jessup. The testimony of Colonel Miller is conclusive upon this point. He says there were no British troops in the fort when he brought me the capitulation from the tent.

A second accusation is, that I did not stipulate for the honours of war.

Among the variety of circumstances, in my situation, which I had

to deplore, and which agitated my mind to a great degree, there was none that excited my own feelings more than to find, that though this provision had been inserted in the articles as originally drawn by the commissioners, it had been stricken out; I thought of rejecting the articles on this account; I must have then opened a new negociation. I have already stated what appeared to me as the consequences of further delay—the savages were unrestrained. I determined not to expose the lives of the inhabitants, to their fury, for the sake of obtaining so useless a pageantry.

The articles are also condemned—because they contained no stipulation for the security of the friendly inhabitants of Canada. With respect to the people of Canada who had been friendly to us and who had remained in their own country when we retreated, no stipulation in their favour was necessary. The British had offered full pardon to all their subjects who had shown any disaffection—and when the capitulation was signed, there were none in Canada who had not availed themselves of this offer. With respect to those who were with us, the capitulation does contain an article in their favour—they are unquestionably included in the third article, which provides that “private persons and property of every description shall be respected.” But, sir, a stipulation in favour of Canadians who were with us at the time of the surrender, was in fact entirely a matter of supererogation; because, according to the best of my recollection, there was but one person of that description with us at the time of the capitulation—and he is now an officer of rank in our army.

The evidence that any stipulation for the security of the Canadians, other than what the articles contained, was unnecessary is, that it is the undoubted fact, that from the time we retreated from Canada, no individual has suffered in his person or property on account of any part he may have taken against his own government—or on account of any connexion which he may have had with our army. The specification states other objections to the capitulation—but as they are of an inferior nature and must be excuseable if these I have noted are so—I shall not trouble the court with any remarks upon them.

Something has been said in the course of the trial as to my having, after the capitulation, consented to the surrender of some distant posts. It might be enough to say that there is no specification on this subject; but I will only observe that so far from this being a concession to the enemy, it originated in my suggestion. I reflected that if they should hear of the capitulation, before they were informed they were included in the surrender, they might retreat if they should judge it in their power to do so; but if early intelligence of the surrender should not reach them they would be exposed to the whole savage force of the enemy, and might be sacrificed, unless they were protected by the capitulation. Much testimony has also been given in relation to the situation of the British troops before the surrender, and to shew that they were suf-

ed to approach too near our works before the capitulation was signed. It would be easy to shew the strange contradiction of testimony on this point, and to prove that such an accusation would be without foundation: But certainly the accusations against me, and which I am obliged to answer, are sufficiently numerous. The court would hardly think me excusable in trespassing on their patience to make a defence against accusations not preferred: I shall therefore say nothing further as to this suggestion, than that a specification founded upon it is not to be found under any of the charges.

There is, gentlemen, one other charge which I have to answer. It is an accusation which has been most wounding to my feelings, and the discussion of which is the most painful task I have yet had to perform. Not because I have any doubt but that I shall convince you it is as much without foundation as any other, but because it imposes upon me the necessity of examining testimony, which no man, however innocent he may be, can repeat without disgust.

If in the embarrassing and difficult situations in which I was placed, during my late command, I have committed some errors; surely what I have suffered by this prosecution and what I must now suffer in making this part of my defence, will be some atonement.

For more than half a century I supported a character without reproach. My youth was devoted to the service of my country; I fought her battles in that war which achieved her liberty and independence, and which was ended before many of you, gentlemen, who are my judges, were born. If upon any occasion a man may speak of his own merits, it is at such a time as this; and I hope I may be permitted to present to you in very few words a narration of my life, while I was engaged in scenes which were calculated to prove a man's firmness and courage. I shall do it with the less reluctance, because the testimony I have offered of the venerable men who served with me in the revolutionary war, will vouch for all I have to say. In the year 1775, at the age of about 21 years, I was appointed a captain in one of the Connecticut regiments; during that campaign and until March 1776, when the enemy evacuated Boston, I served with the army at Cambridge and Roxbury, and in the immediate command of General Washington. I was with that party of the army in March 1776 which took possession of Dorchester heights; the movement which compelled the enemy to evacuate Boston. The next day the regiment to which I belonged marched for New-York. I was on Long-Island when the enemy landed, and remained until the night the whole army retreated. I was in several small skirmishes both on Long-Island and York-Island before the army retired to the White Plains. I then belonged to Colonel Charles Webb's regiment of Connecticut.

This regiment was in the severest part of the action on Chatterdon's Hill, a little advanced of the White Plains, a few days after the main body of the army abandoned New-York. This battle is memorable in

the history of our country, and the regiment to which I belonged received the particular thanks of General Washington, in his public orders, for its bravery and good conduct on the occasion. It was particularly distinguished from all the other troops engaged in the action. I received a slight wound by a musket ball in my side, but it did not prevent me from remaining at the head of my company.

I was in the battle of Trenton, when the Hessians were taken in December 1776, and being one of the youngest captains in the army, was promoted by General Washington, the day after the battle to a majority for my conduct on that occasion. The first of January 1777 I was in the battle of Princeton. In the campaign of the same year the regiment to which I belonged served in the northern army; I was early in the spring ordered to Ticonderoga, and commanded the regiment (being the senior officer present) under General St. Clair, and I was with that officer in his retreat from that post.

After General St. Clair's army formed a junction with General Schuyler's army on the north river, at fort Edward, the regiment to which I belonged was detached and marched to fort Schuyler, and relieved that post, which was besieged by General St. Leger.

On the retreat of General Schuyler's army from fort Edward I commanded the rear guard of the army, and being two miles in the rear was attacked by a large body of British troops and Indians at daylight in the morning, in which action were killed and wounded between thirty and forty of my guard. And I received the particular thanks of General Schuyler for my conduct on the occasion.

I was in the two memorable battles on the 19th of September and the 7th of October on Bemis's heights against General Burgoyne's army previous to its surrender. In the action of the 19th of September I commanded a detachment of 300 men, who fought the principal part of the afternoon, and more than one half of them were killed or wounded.

On the 7th of October I likewise commanded a detachment from the brigade which assisted in attacking the enemy on the left of our position, defeated him, followed him to the right of his lines, stormed his intrenchments, and took and held possession of the right of his position, which compelled him to retreat to Saratoga and there to capitulate.

After the memorable event of the capitulation of General Burgoyne's army, the regiment to which I belonged, was ordered to Pennsylvania, to join the army under the command of General Washington. I remained with the army the winter of 1777 at Valley-Forge, and in the spring of 1778, when the British army evacuated Philadelphia, I was in the battle of Monmouth.

From December 1778 to May 1779, I commanded the American posts in advance of the White plains, near Kingsbridge, during which time I had various skirmishes with the enemy. In May 1779 the pri-

dipal part of the British army advanced up the North River to Verplank's and Stoney point, and I was ordered to retreat before them to West Point.

I then joined the light infantry under the command of General Wayne, and was in the memorable attack on Stoney point with a separate command of 400 light infantry.

For my conduct on this occasion I received the particular thanks of General Wayne, General Washington and congress.

In the summer and autumn of 1780 I commanded the advanced posts of the army, and in December of that year, I commanded an expedition against the enemy stationed at Morrissina which was successful, and for which I received the thanks of General Washington in his general orders to the army and likewise the thanks of Congress. General Washington in his orders I well remember made use of these words "He thanked me for my judicious arrangements in the plan of operations, and for my intrepidity and valour in the execution."

From the conclusion of the revolutionary war I have lived with the respect of my countrymen, and have enjoyed repeated marks of their confidence in the offices which have been bestowed upon me. When I found that the independence for which I had so often fought, was assailed, that again my country must appeal to arms to avenge her wrongs, and to protect her rights, I felt that I might yet do her some service. For though many years had passed since I had fought under her standard, and though my own arm might not have had it's wonted strength, yet my spirit was unbroken, and my devotion to her unimpaired. I thought in the field where there could be but few who had any military experience, what I had learned in the most active scenes of a seven years war, might be useful. I fondly hoped that in my age, as well as in my youth, I might render services that should deserve the gratitude of my country. That if I fell by the sword of her enemies, my grave would be moistened with the tears of my countrymen; that my descendants would be proud of my name and fame. But how vain is anticipation! I am now accused of crimes which would blast my former honours, and transmit my memory with infamy to posterity. And in that hideous catalogue, there is none from the imputation of which my nature and my feelings have more recoiled than from that of cowardice, to which I am to answer. I shall confine myself under this charge to the specifications, or to such part of the specifications as relate to my personal deportment.

Almost every act of omission or of commission, during the campaign, which it has been thought proper to censure, have been assembled under this charge, and they have all been imputed to cowardice. But as most of the acts have been specified in support of other charges, I shall not again notice them, but confine myself to the allegation, that I shewed personal fear, and a want of courage.

However painful the recapitulation of the testimony, on this point,

must be to me, it is so necessary that it should be brought together, that you may have it before you in one view, that I shall go through the disagreeable task of repeating it.

The first witness, in point of fact as well as importance, is Major Snelling; he was a captain when he joined the army at Urbanna, but is now a colonel.

He testifies as follows: "during the cannonade I frequently saw the general. I once saw him standing. He might have risen twice. Most of the time he was sitting on an old tent under the curtain of the fort, opposite the enemy's batteries. I have been taught to believe that there are certain human passions which are indicated by appearances, and the appearances of General Hull, according to my mind, indicated fear."

"The reasons that induced me to draw that conclusion were, that the general selected the safest place in the fort for his seat. His voice trembled when he spoke. He apparently unconsciously filled his mouth with tobacco, so that his cheeks were extended by it. The saliva ran from his mouth on his neckcloth and clothes. He often rubbed his face with his hands, and distributed the tobacco juice about his face."

He further testified, on his cross-examination, that when he returned from Spring-wells, at the dawn of day, on the morning of the 16th, he went into the fort to make his report to General Hull, but could not find him, nor find any one who knew where he was. He said he did not know if General Hull was in the fort at the time the officers were killed; he saw him immediately afterwards. After the men were killed, it might have been 15 or 20 minutes before he saw Captain Hull with the white flag: it might have been an hour, but he did not think it was.

The witness could not say that he saw General Hull in the situation he has described, between the time the men were killed, and the sending the flag by Captain Hull. He recollects that at the time Captain Hull was fixing the flag, General Hull was standing, and was in the situation he has described. General Hull was out of the fort early that morning, but the witness does not know where he was. At the time the enemy was crossing, the general was standing on the parade.

I wish the court to notice the great attention which Major Snelling paid, to be particular in very minute circumstances, in giving his testimony, not only as to the positions in which he saw me, but when his examination was read over to him, and he found, that as it stood, it represented that he had said that I had distributed the tobacco over my face, he desired that it might be corrected so as to state that what he had said was, it was confined to the lower part of my face.

Captain McCommick testifies as follows—"I was not present when Colonel Findley received orders to march into the fort. I joined him as he was going into the fort. He told me of the order and said he



would not obey it, but would go into the fort himself, and directed me to form the regiment. The colonel then came back so near to me as to tell me to let the companies march up, and I did so." The witness then relates what passed between Colonel Findley and myself, and proceeds as follows.

"The general appears very much agitated. He appeared to be under as much alarm as I ever saw a person. He had been chewing tobacco, and the lower part of his face and his vest were covered with it."

On his cross-examination he testifies that it might have been ten minutes, or half an hour or more after the firing ceased, before the troops were ordered to march into the fort. That it was at least half an hour after the firing before the witness went into the fort. That he saw me once that morning out of the fort, and thinks I was near where Colonel Findley's regiment was forming the line of battle behind the picket-fence. Colonel Van Horne, who was a major of Colonel Findley's corps, testifies that after Colonel Findley's regiment was formed, on the morning of the 16th of August, and about an hour, or half an hour before the flag was hoisted, I was at the line. That this was during the cannonade. That at about the time the firing ceased, Captain Snelling came with orders that Colonel Findley should return with his regiment to the fort. The cannonade had then ceased. The witness turned round and saw the flag hoisted on the fort. The witness further stated that he then went into the fort with his battalion, and after he got in he saw me—but is not certain whether I was there when he entered. The witness then proceeded as follows—"When I first saw General Hull he was on the steps going into one of the rooms—his face was discoloured with tobacco juice. It was over the lower part of his face and a spot was over his eye. I thought he was under the influence of fear. I had no doubt of it."

On his cross-examination he says, that he saw me on the night of the 15th, and as he thinks about midnight, and before the cannonading had ceased, at the place where Colonel Findley's regiment was formed that night.

He saw me the next morning out of the fort at Colonel Findley's quarters, and again at the line of battle. When the witness was asked whether care and anxiety might not have produced the appearance he described, he answered that care and anxiety might have added to those appearances—but upon comparing faces, he thought mine had the indications of fear. Captain Baker testifies as follows—"I saw General Hull on the morning of the 16th, he appeared to me to be embarrassed and at a loss how to act. I had but one opinion which was that he was under the influence of personal fear. I could not account for the surrender in any other way." On his cross-examination he said—"On the morning of the 16th, during the cannonade I saw the General in the fort, sometimes sitting, sometimes walking, and sometimes standing."

Lieutenant Stansbury testifies, that on the night of the 15th of August he found me, at about 11 o'clock at night, laying on the piazza of the barracks in the fort with my boots and clothes on. That in the morning when he awoke at day-break I was not there. I saw the general, says he, on a tolerably safe place—as to his being afraid I cannot say whether he was or not. I saw the general on the parade ground. I did not see any necessity for his exposing himself more than he did.

Major Jessup testifies, that on the morning of the 15th, after the cannonade commenced, he, in company with Mr. Dugan, met me on horseback in the street near the second battery. He says—"The general appeared to be agitated—either Mr. Dugan or myself observed the general was frightened. One of us said we must cheer him up. We approached him and spoke to him. He appeared pale and confused—immediately dismounted and led his horse towards the fort."

"I did not see General Hull 'till about break of day on the morning of the 16th, when the general came to my tent and directed me to write an order for the return of Colonels Cass and M'Arthur."

The witness further testifies, that shortly after the enemy commenced their fire—that at the request of Colonel Findley he went to me to have an explanation of an order which had been delivered by my aide-camp—that he found me and received directions from me for forming the line of battle.

That while he was attempting to collect some dragoons, of which I had directed him to take the command, he saw that our line was breaking and retreating towards the fort. He then looked towards the fort and saw the white flag flying from it. That at the request of Colonel Findley he then went to the fort. The witness then proceeds as follows—"I found the general in the fort—I thought him very much frightened. When I met him I enquired of him if it were possible we were about to surrender. He said something about terms, and something about the enemy's force which I do not recollect. His voice at that time was tremulous. I observed we could at least hold out 'till joined by Colonels Cass and M'Arthur. He replied my God what shall I do with these women and children."

The witness then states that he left the fort, went to Colonel Findley and did not see me 'till terms of capitulation had been agreed upon—That then I was perfectly composed. The witness also testifies as follows: "When I came to report to the general after reconnoitering the enemy, I found him on the side of the fort next the enemy, completely sheltered, sitting on a tent beside a bed, at the same time I reported that our guard, the most advanced towards the enemy, had surrendered. The general said that Colonel Brush had reported to him that his men were leaving him. After this when I met the general in the fort, and after the flag was hoisted, he exclaimed that four men had been killed

by one shot! He appeared so alarmed as not to know what he was doing."

The witness then describes my appearance at that time nearly in the words which had been used by other witnesses.

The witness in a subsequent part of his examination stated that at the moment when he was in conversation with me on the evening of the 15th, near the second battery, a shot struck a stone house near me. That I appeared much agitated, dismounted my horse and walked off without making him a reply. Whenever I saw the general says the witness, before the capitulation was signed, he appeared agitated; afterwards, entirely composed. Whether the agitation proceeded from the novelty of his situation or fear I cannot say, but I believe the latter, if not both."

Captain Eastman testifies as follows: "on the evening of the 15th, a shell appeared to be coming into the fort. General Hull ran towards the north-west bastion apparently to avoid it, and to get under cover of the platform. The general appeared alarmed and frightened, and I also observed it to my companions at the time."

Lieutenant Philips testifies as follows: "I saw General Hull on the morning of the 16th, most part of the time during the cannonade he was sitting with his back to the parapet next the enemy. He was sitting there with a number of gentlemen. I recollect one gentleman and one lady near to him. He appeared to me under the influence of fear; he appeared very much agitated. I think Doctor Cunningham was the gentleman that was with him. There might have been other officers with him, but I do not recollect."

Colonel Miller testifies as follows: I did not discover any agitation in the general on the 15th, on the 16th he did appear much agitated. He was in the fort sometimes sitting and sometimes standing and sometimes walking. Whether his agitation proceeded from anxiety on account of the responsibility he was taking, or from personal alarms I cannot say. After the surrender he told me he was afraid if he had fought the enemy they would have taken advantage of that part of his proclamation which declared that no white man taken fighting with an Indian should be spared."

On his cross-examination Colonel Miller said: "I saw no act of the general's on the morning of the 16th, which I can say might not have proceeded from the fatigue and responsibility he was under."

I put to Colonel Miller the following question. Can you mention any act of mine on the 16th, which you did then or do now impute to personal fear?

To this the witness answered, "yes I did think such an immediate surrender must have proceeded from your fears."

To the following questions, did you see me while I was in the fort in any place or station unfit for a commanding officer?

The colonel answered, "I can describe to the court where the general was, and the court can judge.

"He was generally near the easterly parapet of the fort. I was there part of the time myself. The general leaned down. The whole easterly side of the fort was as safe as the spot where the general was for the most part of the time. The general's station was the most convenient to receive communications from without the fort."

"Colonel Miller upon a re-examination further testifies, "that he had frequently observed a habit which I had when I was much engaged, of chewing tobacco to excess, and taking it from my mouth with my fingers and rolling it in my fingers, and putting it in my mouth again, and rolling it from my mouth to my fingers alternately.

"That he observed more of this habit on the 16th than usual, and thought the addition might be owing to want of rest, from fatigue.

Major Wheeler says my appearance induced him to think I was under the influence of personal fear.

Lieutenant Peckham testifies that he saw me on the 16th of August, and says, I had no doubt but that the general was under the influence of personal fear, from his embarrassment, as he sat still and gave no orders.

Major Munson testifies that he saw me on the 15th of August, and saw me again on the 16th, after the capitulation was settled. He adds, "the general's situation was critical; if he had had any feelings, he must have had great care and anxiety. I saw nothing which might not have been accounted for without resorting to the impression of personal fear."

On his cross-examination, by the court, this witness says, "It was 10 or 15 minutes after the officers were killed, that he saw me sitting in one of the officers quarters, but does not recollect that it was during the cannonade, either on the 15th or 16th, that he saw me.

Captain Maxwell testifies that he served in the revolutionary war—was engaged in the affair at Brownstown, under Colonel Miller, which made the twenty third battle in which he had fought.

That after the cannonading commenced on the 15th, he saw me on horseback at one of the batteries.

That I had a conversation with the officer commanding at the time the balls were passing and repassing; that he took notice of my countenance, and that I appeared firm, collected and cool; that I sat 4 or 5 minutes on my horse and rode off again.

That he did not see me on the 16th. That at the time the army was retreating from Sandwich, there was a clamour that I was intimidated, and that was the reason why, on the evening of the 16th, he particularly observed my countenance.

General Taylor testifies, that he saw me several times on the evening of the 15th, during the cannonade; that there was no impression made on his mind of my being under personal fear on that day or even-

ing; that I appeared to be thoughtful and very low spirited; that he heard no indication of inspiring the men; that my countenance was dull; that he saw me near the gateway; and that I ordered Colonel Findley to move from the upper to the lower side of the fort, without any specific orders how to form. Early on the 16th, information came that the enemy were preparing to cross, and no orders were given to resist them. That my appearance displayed more of the marks of tobacco than he had generally seen in a neat man: that his impression was, that I was under the influence of personal fear; that he did not see me again until the flag was hoisted; that when he saw me near the gate, on the 16th, he saw many officers with me, and among the rest Captain Soelling; that he did not consider being there as shrinking from danger.

Captain Bacon testifies, that he saw me in the fort very frequently on the 15th and 16th. That on the 16th he saw me with Dr. Cunningham and his wife, sitting on some planks; that he also saw some other persons there, some of whom he thinks were officers. That during the cannonade he saw me on the parapet of the fort, once on the evening of the 15th, and once on the 16th. That he saw me in different places about the garrison during the cannonade. That I seemed engaged as usual, but agitated, on the morning of the 16th more than common; that he did not know the cause, that he had no suspicion that it was personal fear; neither did he hear such a suspicion expressed by any of the officers, that after the shot came which did execution, the officers and men very generally were on the eastern side of the fort, under the protection of the parapet next the enemy.

Judge Witherell testifies that he saw me on the 15th, during the cannonade near one of our batteries; when, from all he saw, I was cool and collected.

I believe, gentlemen, I have now collected, and presented to you in connexion, every syllable of the testimony which has been offered in support of the specification under this charge, which relates to my personal appearance, and deportment. Such facts of the testimony as have the most bearing, I have endeavoured to repeat, in the witnesses own words; and have done it with as much accuracy as the notes taken by my counsel would permit.

Before, gentlemen, I proceed further on the examination of this testimony, allow me to lay before you an extract from an author of great respectability, containing rules not inapplicable to the present occasion, by which the credibility of witnesses ought to be tested.

"A witness, says Mr. Tyler, in his Essay on Military Law, who amplifies his testimony, unnecessarily enlarging upon circumstances unfavourable to a party—who seems to be gratified by the opportunity of furnishing condemnatory evidence, or manifestly betrays passion or prejudice in the substance of his testimony, or in the manner of delivering it, is to be listened to with suspicion of his veracity." If a

witness, the author adds, "takes upon himself to remember, with the greatest minuteness, all the circumstances of a transaction long since past, and which are of a frivolous nature, and not likely to dwell on the memory, his testimony is thereby rendered very suspicious."

I ask the members to test the testimony which has been given against me by these rules. Were there not many of the witnesses who amplified their testimony, and unnecessarily enlarged upon circumstances unfavourable to me; who seemed to be gratified by the opportunity of furnishing condemnatory evidence?

I appeal to the court to judge of the manner in which the testimony of some of the witnesses was delivered, and whether they did not betray a warmth that could not leave them free from a suspicion of strong prejudice or bias.

Major Snelling has certainly taken upon himself to remember, with the greatest minuteness, circumstances of a frivolous nature.

He remembered that my cheeks were swelled with the tobacco I put in my mouth.

He remembered that my neckcloth and vest were soiled, and the tobacco was distributed about my face; and when his examination was read over to him, his recollection was so extremely accurate as to the most minute circumstance, that he insisted upon what had been written to be so corrected as to read, that it was the *lower* part of my face which was soiled; though on this particular he is contradicted by Colonel Van Horne, who, it appears, was no less observing of minute circumstances, and whose memory is not less tenacious of them. Colonel Van Horne recollects, and has been very particular in stating, that there was a mark made by the tobacco over one of my eyes; he was so very minute as to observe that it was over my left eye, though I believe it is not so recorded in his testimony.

Major Snelling's correction with respect to the situation of the tobacco on my face, will not appear in the record of his testimony; but it will be brought to the remembrance of the court by my reminding them, that, when Major Snelling proposed the alteration in the record, so as to state that he meant to have spoken only of the lower part of my face, I objected to its being altered on the minutes, and wished that it might appear from the record of the evidence, that this was a correction of his. But, gentlemen, the opinion of Major Snelling that I was under the influence of personal fear, as well as the same opinion of other witnesses, who have very nearly followed his words in their description, is formed, as they avow, from my appearance, and from my situation and conduct in the fort.

A correct and certain judgment of the emotions of the mind, from indications of the countenance, or from mere personal appearances, can hardly ever be formed; and it must be infinitely difficult to do so when fatigue, anxiety, and a great responsibility may, all at the same time, be producing their effect.

Major Snelling, though a very young gentleman, it is to be presumed has great acquirements; and it would seem, from his testimony, that the human passions have been the object of his study. He introduces his testimony on this point with these words: "I have been taught to believe that there are certain human passions which are indicated by appearances; and the appearance of General Hall, in my mind, indicated fear."

I hope that these professions of Major Snelling will not give his opinion an undue weight, because he has not told us in what school he acquired his science in physiognomy; nor has he given us the rules by which, when the mind may be under various excitements, he can distinguish the appearances which will indicate the prevalence of one over the other. Major Snelling, I have no doubt, when he gains more age and experience, will find that the indications of appearances, in respect to the human mind, are fallacious.

His own case may afford an evidence of it. I myself, and many who heard his testimony, and that of many others of the witnesses, and marked the manner of it, thought that they manifested great passion and prejudice against me—that they seemed gratified with the opportunity of furnishing condemnatory evidence. These appearances may have been fallacious; but if they were so, it is strong evidence that the most erroneous conclusions may be drawn from expressions of countenance, tone of voice, and eagerness of manner.

I beg it may be observed that most of the witnesses, except Major Snelling, who have given their testimony on this point, did not see me in the fort, until after the flag was hoisted, when there was, of course, a cessation of hostilities, nor until after I returned from the tent.

The witnesses have all endeavoured to impress on the minds of the court that I intended, in all events, to make an unconditional surrender. If this were the case, where was the occasion for personal fear, after I had invited, by the flag, a negociation, and had stopped the enemy's fire? Major Jessup says, that when he saw me, before the capitulation was signed, I appeared greatly agitated, but that afterwards, I was entirely composed: and yet, as Major Jessup did not see me in the fort, on the 16th, until after the negociation was commenced, there was no more ground for agitation, from personal fear, when he saw me on that day, previously to the capitulation, than there was after that event.

There is a part of Major Jessup's testimony which is certainly worthy of remark. His power of judging of the human passions from appearances, is even superior to Major Snelling's; because from his testimony, it seems, he can perceive the appearances when the object is at some distance. He states that when he and Mr. Dugan saw me on horseback, on the 15th, I appeared to be frightened. One of them said we must cheer him up. We then approached him, says the witness, and spoke to him—he appeared pale, &c. so that they had, according

to this testimony, perceived that I was frightened while I was on horseback in the face of the enemy's fire ; and before they had approached me, or spoke to me.

I do not deny that on the morning of the 16th I was greatly agitated, my body was worn with fatigue ; and my mind was filled with the deepest anxiety. On the one hand I well knew the consequences of a surrender. I knew how unfortunate it was for my country that I should be obliged to yield ; I saw the consequences to myself ; I knew that the disappointment of the high expectations which had been raised would be charged to me, and that all the faults of others, to which in fact the failure of the expedition was owing, would be laid at my door. I saw too, what was intended to be the effect of the opposition of my officers to a measure they knew I must or would pursue. In proportion as they found me decided on this final step, they became insolent in their opposition, and were most so when it was ascertained that they would not meet the enemy, and could not be punished by me. They foresaw that great reputation was to be purchased at so cheap a rate as appearing highly averse to the surrender ; and afterwards publishing to the world all they said and did, as evidence of my criminality and their own heroism. While all these considerations enlisted every private feeling against the surrender, my mind was agitated by the opposite demands of duty ; the dreadful consequences of unsuccessful resistance, or indeed of any thing less than a most decisive victory, filled my thoughts. In the midst of a people among whom I had lived so long as to be known to almost every inhabitant, all of whom looked to me for protection, and many of whom had sought safety in the fort. I could not reflect on the horrors of a general massacre which would have been the consequences of a defeat, without emotion. He who, in such a situation, could have been perfectly tranquil—whose appearances should have discovered no agitation, must have been either less or more than man : He must have been denied the sensibilities common to our nature, or been endowed with faculties more than human.

When the court considers my situation ; how many causes there were to excite strong emotion ; will they believe that the witnesses who have testified on this point, were capable of such discrimination as would enable them to ascertain, that the appearances which they have described proceeded from personal fear ? Major Snelling professed to have been uninstructed in this branch of science, but Captain McCommick who was not in the fort 'till after Findley's regiment marched in, made no such pretensions ; he appeared to found his judgment on his natural instinct, and indeed he did right not to make a claim which was out of the first stage of civilization : to which rank, notwithstanding his tawdry regimentals, it was evident he belonged.

Several of the witnesses have given their opinions on this subject, with less confidence, and some qualifications. Colonel Van Horne has admitted that *care and anxiety*, might have added to the appearance



which he described. His belief, however, as to what relates to personal fear, he says, he formed from a comparison of faces, by which he judged that mine indicated fear.

I believe, sir, that in the comparison of countenances, when I was surrounded by my officers at the time of the surrender, a vast difference might have been observed between the expression of many of their's and mine. If my countenance expressed what I felt, it must have shewn traces of the painful anxiety, by which I had been oppressed, and marks of the deepest regret for the measures I had been obliged to pursue; while other faces might perhaps have beamed with the exultation which the minds of some can feel, when they look upon what they may think a fallen man.

Possibly, there may have been around me, those who felt and whose countenances expressed a joy, that, by the capitulation, they had purchased personal security, and avoided a bloody contest, at the expense, as they supposed, of my character and honour.

General Taylor also concluded from my appearance, that I was under the influence of personal fear. He gives you the grounds on which he drew his conclusion—They are that I appeared thoughtful and very low spirited; that my countenance was dull, and that he saw about me, more of the marks of tobacco than was consistent with neatness. Are these grounds which will warrant a conclusion that is to affect the life of a man? As to what has been said on this disgusting subject of the tobacco, I will dismiss it as to all the witnesses, with a reference to the testimony of Colonel Miller, who proves that I had a habit, which might have produced all the appearances, which the witnesses say my chewing had produced. It is known that where there is a habit of using tobacco, it is commonly (unconsciously) taken to excess, whenever the mind is much occupied; even the *excitement*, that some of the witnesses who use tobacco, felt while they were under examination, deluged this floor with their expectorations.

Major Munson saw me in the fort 15 minutes after the officers were killed. He does not recollect that the cannonade then continued. But I beg the court to remark, that he speaks of a time, to which the testimony of many of the officers, who have spoken of my personal appearance, must refer—He says he saw nothing which might not have been accounted for, without resorting to the supposition of personal fear.

Captain Maxwell did not see me on the 16th, but on the 15th he saw me in a situation where I was exposed to the fire of the enemy. He says that I was collected and cool. He informs you why he was induced to notice my appearance; and his testimony is of some importance, because it shews, that, as early as the retreat from Canada, my officers had began to propagate imputations on my courage; and because his testimony must relate to the same time when Major Jessup says he saw me on horseback, and observed such strong indications of fear. If, Sir, the opinions of these two witnesses are in opposition, the court

must determine whether they will rely on the veteran, who has been twenty-three times engaged with the enemies of his country, or the young gentleman, who at the time he speaks of, was about 25 years of age, and who knew no more of battles than what he had heard or learned from books.

The testimony of Judge Witherell, who was a revolutionary officer, who also saw me on the evening of the 15th, is likewise in opposition to the testimony of Major Jessup.

Captain Bacon says, I was much agitated on the morning of the 16th, but that he had no suspicion it was personal fear; neither did he hear such a suspicion expressed by any of the officers.

The deposition of Major Anderson I have not been able to procure in time to submit to my counsel, previously to my defence being closed. It is very important, not only as it respects the point now under consideration; but the court will find that there is a great variation between his testimony and that of General M'Arthur, in relation to the fortification at Sandwich. But as I would not ask another postponement of the court, for the sake of making any further observations on the testimony of Major Anderson, I must rely upon the court to examine his deposition, and to give his testimony it's due weight. There are some of the witnesses who have given a mere naked opinion, that I was under the influence of personal fear, without assigning any reasons for their opinions, whose testimony I shall not notice. It is impossible it can have any influence in the minds of the court.

Major Jessup said, that whether the agitation which he described, proceeded from the novelty of my situation or fear he could not say, but he believed the latter, if not both.

Captain Baker said he was of opinion that I was under the influence of fear, as he could not account for the surrender in any other way. This explanation of Captain Baker may afford a key to much of the testimony on this point. He, like many other of the officers, thought the surrender unnecessary. They did not concern themselves with considerations of what might be the consequences of resistance—they therefore saw no other motive for the step I had taken, than my own fears; they, therefore, when questioned on this point, said they thought I was under the influence of personal fear, because I surrendered.

I beg the court to note, that Colonel Miller's answer to the interrogatory put to him on this subject, is to the same effect, although he was stationed in the fort, and I had been in the fortress from the commencement of the cannonade 'till the surrender. He says, he saw no conduct of mine which might not have proceeded from fatigue and the responsibility of my situation, and that he could mention no act of mine, which he did then, or does now impute to personal fear, but the surrender; and yet Colonel Miller had better opportunity of observing me, than any other witness. He was an older and a more experienced soldier, than any who have given their testimony; many of whom hear

the report of an enemy's gun for the first time, at the time to which their testimony relates.

If, gentlemen, your decision upon this point, could rest upon the weight of the opinions given by the witnesses called by the judge advocate, the preponderance would be in my favour. The opinions of Colonel Miller, he having been placed in a situation which gave him such superior advantages for critical, deliberate observation, must deserve more respect than the testimony of all the inexperienced and young men, who only saw me occasionally on the morning of the 16th, and who have attempted to support this charge by their opinions.

So far as any of the witnesses have founded their opinion that I was under the influence of personal fear, upon the act of surrender, as is the case with Colonel Miller and Captain Baker and others, their testimony can have no weight. The court have the same opportunity of drawing a conclusion from that fact that they had. I have endeavoured to satisfy the court that that act was justifiable, or at least that I had strong reasons for thinking it so, and if this was the case, it cannot be made the ground of condemnation, because witnesses may have made it the foundation of their opinion of my want of courage.

But, gentlemen, there is no example of the opinion of witnesses on this subject ever having been received as evidence on which to ground a conviction.

Expressions of the human countenance, and the manners of men, are but fallible indications of the workings of the human mind. The difference in appearances, produced by the excitements of different passions, are too subtle to admit of observations from which any conclusions may be drawn; much depends upon constitution, and often much upon the temporary physical condition of the body.

A man worn with fatigue of body or mind, and pressed with a thousand dreadful anxieties, may, though on the point of inevitable destruction, forget his own fate, and be only moved by the condition of those around him; while the superficial observer would impute his agitation to the dread of death. The uneducated spectator who has not been taught, as Major Snelling has been, the indications of human passions, would most probably see in the countenance and manner of the Laocoon, only expressions of terror and bodily pain; and would not understand that the artist has expressed in the countenance and convulsive agitation of a dying father, agony of mind, excited by the torture of his expiring children.

There never has been, and in justice, never can be a conviction under this charge of cowardice, but when a want of courage is indicated by the omission or commission of some act in violation of the duty of the person against whom the charge is made.

I shall conclude my observations upon that part of the evidence which relates to my personal appearance, with some extracts from an English Historian, who gives an account of the trial of Lord George

Sackville, who was tried for misconduct at the battle of Minden. Doctor Smollett having stated that some testimony was given to prove that when certain orders were delivered to Lord George, he was alarmed in a very great degree, and seemed in the utmost confusion ; subjoins remarks, from which the following are extracts.

"The candid reader will of himself determine whether a man's *heart* is to be judged by any *change* of his *complexion*, granting such a change to have happened."—"Whether it was likely, that an officer who had been more than once in actual service, and behaved without reproach, so as to attain an eminent rank in the army, should exhibit symptoms of fear or confusion, when in reality there was no appearance of danger." "With respect to the imputation of cowardice levelled at Lord George by the unthinking multitude, and circulated with such industry and clamour ; we ought to consider it as a mob-accusation, which the bravest of men, even the great Duke of Marlborough, could not escape. We ought to view it as a dangerous suspicion, which strikes at the root of character, and may blast that honour in a moment, which the soldier has acquired in a long course of painful services, and at the continual hazard of his life. We ought to distrust it as a malignant charge, altogether inconsistent with the former conduct of the person accused."

The testimony of some of the witnesses, appears to have been intended to prove, that I manifested a want of courage, by certain acts, during the cannonade, as well on the 15th as on the 16th ; these are, that on the 15th I dismounted and walked towards the fort, when a shot struck a house near me—that I avoided a shell, which appeared to be coming into the fort ; and that I remained in the fort in a place of security during the cannonade.

It does appear to me, gentlemen, that if all these facts were exactly as the witnesses could wish them to appear, they would not support any charge. If I found myself unnecessarily exposed to the shot of the enemy, by being on horseback, was it not my duty to dismount ? Is it to be considered a dereliction of duty in an officer, to avoid the explosion of a shell ? or is it unjustifiable in a commander, when in a fortress that is bombarded, to put himself in a place of security, provided he be in such a situation as that he may give his orders and perform the necessary duty of his station ? Judging from what I have seen of service, with the bravest men our country ever produced, I may venture to say that the court would answer these questions in the negative. But yet I must ask the patience of the court, while I give the testimony which has been offered on one of these points ; that is to say, my remaining in the fort, and my situation there, a slight examination. The others I do not think worthy my attention.

Major Snelling went into the fort, when he returned on the morning of the 16th from Spring-wells. He was roused from a repose, after having been at a post all night, by the commencement of the cannon-

ade. He remained there till after the flag went out, when he was sent with orders to Colonel Findley's regiment. He appears to have returned to the fort again, about the time that the British officers went into Dyson's quarters. In short Major Snelling was in the fort, according to his account, during the whole time of the cannonade on the 16th, and until the British troops marched in, with the exception of a very short interval, between the sending of the flag and the final surrender. Now during the time of the cannonade, Major Snelling saw me standing but once. His memory is so extremely tenacious of the minutest circumstances, even of a frivolous nature, that he will only admit, as a possibility, that I might have risen twice. The words of Major Snelling are—"During the cannonade, I frequently saw the general—I once saw him standing—he might have risen twice. Most of the time he was sitting on an old tent, under the curtain of the fort, opposite the enemy's batteries."

Whether I was sitting or standing in the situation which Major Snelling describes, is immaterial—I should have been equally safe in either position. It is therefore extraordinary that so unimportant a circumstance should have made such a lasting impression on his mind.

The testimony, however, of the other witnesses called by the judge advocate, does not appear to correspond with the recollection of Major Snelling. General Taylor's testimony is certainly worthy of remark. It appears that, though Major Snelling thought that my taking a position under cover of the parapet of the fort, during the cannonade, was evidence of cowardice, yet *Major Snelling himself*, it seems, thought he was at liberty to avail himself of the very same protection. General Taylor says he saw Major Snelling, as well as many other of the officers, in the same situation that I generally occupied during the firing, when I was in the fort.

Captain Baker says—"On the morning of the 16th, during the cannonade, I saw the general in the fort, sometimes sitting, sometimes walking, and sometimes standing."

Colonel Miller also states that I was sometimes sitting, sometimes standing, and sometimes walking.

Indeed there could have been no reason for my remaining precisely in one situation during the cannonade, if I had been actuated by an undue regard to personal safety; for it appears that the whole eastern side of the fort was as secure in one part as another. If there were any reasons for giving preference to the spot where the witnesses say I was sitting, it is that it was near the gate—a situation where I could easily be found, and where it was most convenient, as Colonel Miller has testified, to receive reports and to give my orders.

From this post I had the whole interior of the fort under my view, and could communicate my orders to any part. Was I not then in a situation for a commander? The court will recollect that Colonel Miller states, that he himself was sometimes with me, while I was in the

place the witnesses have described—and the fact is, that every officer in the fort placed himself under the protection of the eastern parapet, when his duty did not require that he should be in a more exposed situation. But it has been attempted to prove that I remained in the fort—and took no measures, and issued no orders for a disposition of the troops, after the cannonade commenced. Major Jessup states, that shortly after the answer had been returned to the British summons on the 15th, he met me on horseback, and that I then gave him directions for the disposition which was to be made of the troops for the defence of the town. It is also proved by the testimony of Major Jessup, that in the evening of the 15th I was on horseback, visiting the batteries, while the cannonade continued.

Major Munson met me on the same evening on horseback, when I was visiting the posts.—Major Jessup said he met me on the night of the 15th at about midnight at the position which Colonel Findley's corps had taken up for the night—I was also, as he testifies, at his quarters, about day-break on the morning of the 16th, while he was writing by candle-light, and gave him directions to despatch an order for Colonels M'Arthur and Cass. And Captain M'Cormick testifies that he saw me on horseback at the time on which the troops were formed, a short time before the firing ceased. Several other witnesses prove, that they saw me out of the fort at several times, as well on the 15th as the 16th. What foundation is there therefore for the charge, that during the whole time of the cannonade, I took shelter in the fort?

Major Snelling's testimony is so important as to my personal appearance, that I cannot but direct the attention of the court to any circumstances in his testimony on any other point, which I think may develop the spirit or disposition with which he has testified.—With this view I beg the court to notice that Major Snelling has testified that when he returned from the Spring-wells, on the morning of the 16th at dawn of day, he went into the fort to make his report to me. "But," says the major, "I could not find the general, nor find any one who knew where he was." It has been proved by other witnesses, that I was out of the fort at that time—now, when Major Snelling could not find me in the fort, nor find any body that knew I was there, it seems to me, he might have ventured to say, I was not in the fort at that time. I do think he had at least as good grounds to draw that conclusion, as he had to infer that I was under personal fear, from the appearance he observed. Major Snelling does in a subsequent part of his examination, say that I was out of the fort early that morning; But whether this refers to the time when he made his report or not I do not know.

I have now gentlemen done with this charge, so far as it respects my personal appearance and deportment. You, who I am to presume, and do believe, are brave and honourable men, will judge of what I must have suffered, to have sat, day after day, listening to imputations of all others the most wounding to the feelings of a soldier.—To have

these imputations cast upon me by representations, intended to make me appear abjectly and disgustingly base—To be obliged to hear my name and fame polluted by the testimony which has been given—To be obliged to repeat the language of the witnesses in my defence, are in themselves punishment hardly inferior to that which would be the consequence of your pronouncing me guilty—But, gentlemen, of that, upon this charge of cowardice, I am bold to say I have no dread.

I have fought more battles than many of the young men who have impeached me of this crime, have numbered years.

I appeal to the history that bears record of those who were engaged in the bloody contest for our liberties—there you shall often find my name, but not as coward!

I have brought before you the testimony of the few who remain of those who were my companions in arms, in times that tried men's souls—Do they say I am a coward? I invoke the spirits of the departed heroes who have died at my side, by the sword of the enemy, to say if I am a coward. I would call the shades of Gates, Wayne, Schuyler, and of Washington to tell you, how often they have led me to battle, and to say if they found me a coward.

Will you believe that the spirit which has so often prompted me to risk my life for my country, should now so far have forsaken me as that I should have become a traitor and a coward?

Will you believe that the years in which I have grown grey in my country's service, should so far have changed my nature, as that I could have been the base and abject thing my enemies have represented?

No, gentlemen, that blood which animated my youth, age has not chilled. I at this moment feel its influence, and it makes me dare to say, that no man ever did, or can think me a coward.

Before I conclude, permit me to say a few words. It may be thought that I have spoken of the officers, who have been witnesses against me, with too much asperity. They have, in my opinion, forfeited all claims to my respect—but I do not mean to charge any of them with wilful perjury. I believe they have imbibed a prejudice and bias against me which has influenced the perceptions of their own minds. My object, by the examination I have given their testimony, has been, to make that bias and prejudice appear to you. Many of them are young men, who give their country great promise. Many of them, I believe, have good hearts—and such, I know, will one day regret, that they should have yielded to an influence, which has induced them to represent me in colors, that they will be conscious I have not deserved. I know the time will come, when they will consider how they courted my favor, when I was in power, and how they treated me, when they thought I was in disgrace, and saw me in adversity.

When that time comes, and come I am sure it will, let it be a consolation to them to know, that whatever may be my fate, I pity, and from my heart, forgive them. I have now, gentlemen, concluded my

defence; I have noticed every accusation which the judge advocate, in the opening of the cause, mentioned as those which he should rely upon, and which he expected to maintain. I have not left, as I believe, any part of the specifications, to which any testimony whatever was offered, unanswered.

Allow, me, Mr. president, and gentlemen of the court, with the most heartfelt sensibility, to return you my sincere thanks for the manner in which this trial has been conducted. For though, as I humbly conceive, there has been some departure from accustomed forms, in respect to the examination of witnesses. I know that the court has been governed by nothing but its own sense of propriety.

The conduct of the members of this court, and of the judge advocates, has been such as I had anticipated, and every thing that I could expect from honorable, impartial, and humane men.

Whatever may be your sentence, I shall always, with gratitude, acknowledge that I have had a fair, candid and patient hearing.

I do feel myself bound to make particular acknowledgements to the special judge advocate, for the delicacy and propriety of his deportment towards me—and though I may feel the force of the talents, with which he has conducted this prosecution, it shall not make me forget what I owe to his humanity and liberality. Gentlemen, my life is in your hands—but you are guardians of what is more dear to me, you are the guardians of my honor. With you, in sacred deposit, is that sword, which has been my companion in times that might have appalled the weak-hearted. It has been taken from me, 'till you shall pronounce that I am *not* unworthy to wear it. I feel that in justice I may demand it of you—and when I shall receive it at your hands, believe, that here is yet enough of heart and life, and in this arm is yet nerve enough to draw it in vindication of my country's rights.

If I should receive it, *untarnished* by your judgment, I may yet live to prove, by my future, as well as by my past conduct, how I have been *calumniated*—and the *justice* of your sentence.

General Hull here closed his defence. He then offered to the court the following written observations.

Having now closed my final defence, I have only to add an objection, which I am compelled at this time to make, in anticipation of a privilege, which I understand the judge advocate requested, viz. that of summing up the evidence. As far as my research has extended, it is a privilege sometimes admitted by writers on martial law, but never exercised—one which has grown out of the reasoning of authors, rather than the admission of courts,—and in the compilation of military trials in England, a solitary instance is scarcely to be found of its being either claimed or exercised. The reason is evident—the judge advocate is a component part of the court—he officiates in the arrangement of the testimony, and as the law member of the court, acts equally when required in that capacity for the accused and the government. He opens



the cause—because having previously arranged and marshalled the testimony for trial, some development of the charges and evidence is necessary. He is consulted in all periods of the trial, and when their several duties are concluded, his functions are at an end. The characters of this court, precludes the necessity of *comment*, and it is to be presumed that this court, noting and examining the testimony of a cause and deciding on legal questions as they arise on the trial, can require the aid of professional ingenuity. That the daily investigation of these charges should be still incomplete without the comments of counsel on facts. This court differs very materially from other courts. It is selected from professional men, competent to decide on questions of science—and the facts, when submitted, give to the court alone the province of judging of their application—and the cases so often introduced, of the proceedings in the common law courts, are by no means parallel.—There juries decide on the law and the fact. Blended as they are, they require some exposition from the public prosecutor to men wanting his professional science, and of course his intelligence. The necessity of the rule sanctions its admission; but where that necessity does not exist, no principle that I yet know, can authorize its indulgence. In the present trial, evidence has been admitted of un-officer-like conduct, in matters of military skill—whether I as an officer was authorised in not attacking Malden? in this charge can it be supposed that the law member of the court would be consulted? Is a charge, exclusively governed by military rules, to require a comment from that part of the court placed *here* alone to facilitate the trial? The judgment of the court is formed on professional distinctions, which they, as military men, can alone know—and therefore neither require, nor ask the aid of professional talent and industry. The usage of our country, as far as this court would feel themselves authorized to admit, has discountenanced it: On the trial of General St. Clair, it was not permitted. On the trial of General Wilkinson, though expressly urged by the judge advocate Mr. Jones, it was denied. In both cases the judge advocate was permitted to open the charges—because it was necessary to give to the court possession of the facts—but there *his* duties end, and the functions of the court commence. This permission may be claimed as matter for indulgence, but certainly not of right—and here let me add, that however gratified I should be in giving to the judge advocate the opportunity his talents and industry so justly entitle him to. I cannot, consistent with military propriety, refrain from objecting to a mode of procedure novel and unauthorized.

The court having taken the same into consideration, decided that the judge advocate should be permitted to send up the testimony to the court.

Major John Anderson's deposition read.

The court then adjourned to meet on Wednesday next at ten o'clock Wednesday morning March 23d, 1814.

The court met pursuant to adjournment.

*Present.*

Major General Dearborn.

Brigadier General Bloomfield.

Colonel Fenwick.

- Little.
- Bogardus.
- Irwin.

Lieutenant Colonel Dennis.

- — House.
- — Conner.
- — Scott.
- — Davis.
- — Stewart.
- — Livingston.
- — Forbes, supernumerary.

The judge advocate replied to General Hull's defence.

The court then adjourned to meet to-morrow morning at 10 o'clock.

Thursday morning, March 24, 1811.

Court met pursuant to adjournment.

Present all the members.

The judge advocate read the proceedings until 3 o'clock.

The court then adjourned to meet to-morrow morning at 10 o'clock.

Friday morning, March 25, 1814.

The court met pursuant to adjournment.

Present all the members.

Ordered that Lieut. Colonel Forbes, a supernumerary member, have leave to retire.

General Hull in his defence having made complaint on two subjects—1st. That the witnesses were examined in the presence of each other—2d. That evidence was heard in support of charges not embraced in any specification.

The court deem it proper that the following entry be made on the minutes.

When the trial commenced it was suggested by a member of the court, that the witnesses ought not to be examined in the presence of each other; to which the president replied, that it was not necessary in his judgment to examine them apart from each other. The accused did not, either directly or indirectly, object to the witnesses remaining in court, or at any time request that the witnesses should be separately examined—nor was the opinion of the court in any way taken or required upon that subject.

The court have not given any weight to testimony objected to by the prisoner, as not applicable to any charges embraced in the specifications.

The decision of the court was then pronounced as follows—all the evidence being read (whether on the part of the prosecution or the defence) applicable to the first charge, and the specifications attached to that charge, and after due deliberation had thereon, the court express the following opinion.

The accused having in his final defence protested against the jurisdiction of the court to try the charge of treason, and the opinion of the court being that the objection would have been tenable if the same had been pleaded by the accused on his arraignment—and believing also that the court cannot acquire jurisdiction of the offence by the waiver or consent of the accused, they decline making any formal decision on that charge.

The evidence on the subject having however been publicly given—the court deem it proper, in justice to the accused to say, that they do not believe from any thing that has appeared before them, that Brigadier General William Hull has committed treason against the United States.

On the second charge, and the specifications attached to that charge, (after hearing all the evidence, and defence, and after due deliberation thereon) the court find Brigadier General William Hull guilty of the *first, second and fourth* specifications under that charge—and also guilty of the *third* specification under that charge, except that part which charges the said Brigadier General William Hull with “forbidding the “American artillery to fire on the enemy on their march towards said “fort Detroit.”

The court find the said Brigadier General William Hull guilty of the second charge.

On the third charge the court after having heard the evidence (as well as the defence) and after due deliberation, find the said Brigadier general William Hull guilty of neglect of duty and un-officer-like conduct, as charged in the first specification under this charge, in omitting with sufficient care and frequency to inspect, train, exercise, and order, and to cause to be trained, inspected, exercised and ordered the troops under his command, from the 6th day of July until the 17th day of August, 1812; and acquit him of the residue of the charge contained in that specification.

The court acquit the said Brigadier General William Hull of the second and third specifications of the same charge.

The court find the said Brigadier General William Hull guilty of the whole of the fourth specification of that charge, except that part which charges him with not seasonably repairing, fitting and transporting—or causing to be fitted, repaired and transported, the guns, and gun carriages which were necessary to the operations of the war in the said British province of Upper Canada.

The court find the said Brigadier General William Hull guilty of so much of the fifth specification to that charge as relates to neglect of

duty and un-officer-like conduct, in suffering his communication with the River Raisin and the state of Ohio to be cut off—and sending Major Van Horne to attempt to open the same with an inadequate force; he, the said Brigadier General William Hull having reason to know or believe the same was insufficient—and the court acquit him of the residue of that specification.

The court find the said Brigadier General William Hull guilty of the *sixth* and *seventh* specifications of that charge.

The court find the same Brigadier General William Hull guilty of the third charge.

The court then adjourned to meet to-morrow morning at 10 o'clock.

Saturday morning, March 26, 1814—the court met pursuant to adjournment.

Present all the members.

The court in consequence of their determination respecting the second and third charges, and the specifications under those charges, exhibited against the said Brigadier General William Hull—and after due consideration, do sentence him to be shot to death, two thirds of the court concurring in the sentence.

The court in consideration of Brigadier General Hull's revolutionary services, and his advanced age, earnestly recommend him to the mercy of the President of the United States.

The court then adjourned to meet on Monday morning next at 10 o'clock.

Monday morning, March 28, 1814—the court met pursuant to adjournment.

Present all the members.

The proceeding having been read once, approved and signed by the president—the court then adjourned *sine die*.

H. Dearborn, major general, president of the court.

M. Van Beuren, special judge advocate.

Philip S. Parker, army judge advocate.

April 25, 1814—The sentence of the court is approved, and the execution of it remitted.

(Signed.)

JAMES MADISON.

By directions of the court martial the president gave the following directions to General Hull.

Albany, March 23, 1814.

Sir—You will please to return to your usual place of residence in Massachusetts—and there continue until you shall receive orders from the president of the United States. Your humble servant.

(Signed.)

H. DEARBORN, major general,  
president of the court.

Brig. Gen. William Hull.



# APPENDIX.

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## NO. II.

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### MAJOR BANNISTER'S LETTER READ.

BROOKFIELD, FEB. 17th, 1813.

*General Wade Hampton.*

*Mr. President.*—Having learned that my war worn companion in arms, Gen. Wm. Hull, is called upon to answer to some of the highest charges which can be preferred against a military character, and that you, sir, are the president of the court before whom he is to be tried, I take the liberty of addressing to you a few observations on the subject, which are dictated by the interest I feel for my country, as also the reputation and character of my friend, who stands highly criminated before you. My first acquaintance with Gen. Hull, was in times the most unfortunate, "the times that tried men's souls;" the services which he rendered to his country, during the revolutionary war, ought not to be forgotten. He was then young, active, brave and faithful; high in the estimation of his superior officers, and respected, even by his enemies, for his fidelity to his country. I will not unnecessarily take up your time in detailing the innumerable hardships, fatigues, privations and sufferings to which we were subjected during the worst of times. It is sufficient for my purpose, on this occasion, to notice particularly the capture of Burgoyne and the well known battle of Monmouth. In these two memorable events, where the ground was covered with the dead bodies of the slain, and the air resounded with the groans of the dying, Hull was unshaken. He bravely fought, and a grateful country acknowledged his bravery. I was then Brigade Major to Gen. Learned in whose brigade Gen. Hull was a major in Col. Brooks' regt. The welfare of his country was apparently as dear to him as his life; but if he has now fallen, he has fallen indeed. Having associated with him in times so interesting, and in no other character than that of a brave man, I shall be unhappy to learn that he has terminated his patriotic career by meanly acting the coward.

(Signed.)

SETH BANNISTER.

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### DEPOSITION OF ADJUTANT TUFTS, READ.

BOSTON, FEB. 3d, 1814.

*To the President and members of the general Court-Martial sitting in Albany for the trial of General Hull.*

*Gentlemen.*—Having been solicited by the friends of General Hull to state my knowledge of his character and conduct during the revolution—

A\*

ary war, I have the honour of submitting the following particulars. I was with him as Sergeant Major of the 8th Mass. regt. at Ticonderoga, and in the same regt. at taking Burgoyne's army, and was with the regt. he commanded in taking Stoney Point, and his adjutant.

His character for courage and firmness on all these occasions was unexceptionable; and he was a good military man and was universally esteemed by his brother officers, and beloved by his soldiers.

(Signed)

FRANCIS TUFTS.

#### GENERAL HEATH'S CERTIFICATE READ.

I William Heath of Roxbury in the county of Norfolk and commonwealth of Massachusetts, having served as a general officer in the American Revolutionary war from the commencement of hostilities, on the 19th of April 1775, until peace took place in 1783, hereby certify, and on my *sacred honor* declare (and to which I am ready to make solemn oath,) that in the said war William Hull, now a Brigadier General in the army of the United States, served as an officer in various places, in all of which he sustained the character of a brave and good officer—possessed the particular esteem and confidence of General Washington, who was *envious* for his promotion as will appear from extracts of his letter to this deponent, on that subject, which are exhibited herewith. That this deponent being in the *immediate* command of the American troops in the highlands of New-York on Hudson River in the month of January 1781, an enterprize was contemplated against the enemy at Morrisanea, the then advanced post of the British army, which enterprize was to be entrusted to the then Lieutenant Colonel Hull, now Brigadier General Hull. The success of this enterprize was doubtful in the opinion of General Washington, when it was communicated to him as will appear by an extract of a letter from him herewith exhibited. But Lieutenant Colonel Hull, with the troops under his command, were successful: with great address and gallantry, they forced a narrow passage to the enemy, and, with the loss of one subaltern, one drummer, and ten privates killed, one captain, one sergeant, and eleven rank and file wounded completely defeated the enemy, and, besides the killed, took upwards of 50 prisoners, cut away the pontoon bridge, took a considerable quantity of forage, a number of cattle, &c. for which they were thanked in the public orders. This deponent during the revolutionary war having at different times had the honor to command the *state lines* of the army from N. Hampshire to New-Jersey inclusive, and two brigades of more Southern Lines, Lieutenant Colonel Hull sustained a conspicuous character of a *brave, faithful* and good officer, and farther saith not.

(Signed)

WM. HEATH.

Roxburg, 20th Dec. 1813.

#### EXTRACTS OF LETTERS FROM GENERAL WASHINGTON TO MAJOR GEN. HEATH MENTIONED IN THE DEPOSITION.

*Head-Quarters, Morristown, Dec. 13, 1779.*

"The case between Major Hull and Major Cogswell is of more delicacy and very important. Major Hull was not appointed by the state to the majority in Colonel Jackson's regiment, he was appointed by me at the intercession of several officers of the state line

" and not without authority. He is an officer of great merit and whose services have been honorable to himself and honorable to his country. I was then persuaded as I still am that a good officer would and ever will be an object of the state's regard; and there has been no injustice done to Major Cogswell. Perhaps by your representation, you may be able to get matters put right, and I am sure you can scarcely render any more essential service than prevailing on the honorable assembly to preserve the arrangement inviolate, and to pursue the rules of promotion which have been established. In the case of Major Hull, he might as I have been long since told, been arranged as Lieutenant Colonel, on the Connecticut line by the committee of Congress at White Plains in 1778."

### ON THE ENTERPRIZE AGAINST THE ENEMY.

*Head-Quarters, New-Windsor, Jan. 7th, 1781.*

" You will be pleased to observe on the subject of your letter of last evening that although I am not very sanguine in my expectation of the success of the enterprize proposed, yet I think, in our present circumstances, it will be advisable to encourage it. Colonel Hull may therefore have permission to make the attempt."

The foregoing are true extracts from the originals.

(Signed)

WM. HEATH.

*Roxburgh, Dec. 20th, 1813.*

### INTERROGATORIES PUT BY GENERAL HULL TO W. EUSTIS, ESQUIRE, LATE SECRETARY OF WAR, WITH HIS ANSWERS UNDER OATH.—*Taken by consent.*

Q. 1. Had not information been received at Washington about the time I arrived there in the latter part of February, 1812, from Mr. Atwater, the then secretary of the territory of Michigan, who then discharged the duty of governor, that there were strong appearances of hostility among the Indians, and that the territory was in danger?

A. According to my recollection letters to that effect were received from Mr. Atwater.

Q. 2. Did I not urge on you, as secretary of the department of war, the expediency and necessity of ordering a force there for the protection of Detroit, the territory and the northern frontier?

A. I believe you did.

Q. 3. Was it not then proposed to me to accept the office of a general officer in the army, and take command of the force ordered for Detroit: and did I not decline, for this reason, that I was not willing to resign my office as governor of the territory, and that I did not consider myself as having a legitimate right to command in the army under my commission as governor of the territory?

A. You did, in the first instance, decline accepting the office of brigadier general, for the reason assigned in the interrogatory.

Q. 4. Was not Colonel Kingsbury, of the 1st U. S. Infantry, then ordered to Washington for the purpose of proceeding to the state of Ohio to take the command of this force, and, on his arrival at Washington, was he not prevented by sickness.

A. Colonel Kingsbury was ordered to Washington for the purposes



stated, and, on account of bodily indisposition, was not ordered on command.

Q. 6. Was I not ordered, after I accepted the appointment of a brigadier general in the U. S. army, to proceed to the state of Ohio, to take the command of the troops which had been ordered to assemble at Dayton, and march them to Detroit? and was not that nomination made without my desire, or even knowledge on my part?

A. You was, after having been appointed a brigadier general, ordered to take command of the forces destined to Detroit—you did not, to my knowledge, solicit that appointment—the nomination was made as soon as you had communicated to me your final determination to accept it.

Q. 6. Do you or do you not recollect after I was appointed a brigadier general I addressed a memorial to you as secretary of war? that that memorial was in relation to the command I was destined to take, and the country which was expected to be the scene of my operations—that it contained considerations relative to a war between Great Britain and the United States?

A. I have a perfect recollection of your having presented the memorial referred to in the interrogatory.

Q. 7. After you received that memoir did not you send a request to me to call at the war-office, and while I was there did you not invite the secretary of the navy to attend us? and was not a part of the memoir referred to him at your request; and did you not at that time assign over the brig Adams?

A. I recollect your attendance by appointment at the war-office—the memorial, or that part of it which related to the naval defence of Lake Erie, was referred or communicated to the secretary of the navy, who was present. The brig Adams, which had been employed as a transport under the direction of the war department, became the subject of conversation; whether she was (being on the stocks then repairing) actually transferred to the navy department, I do not distinctly recollect if that was the case: the evidence is on record.

Q. 8. Did I not, in frequent conversation with you, during the time I was at Washington in the winter and spring of 1812, manifest a great anxiety for the safety of the northern frontier and the territory of Michigan?

A. You did.

Q. 9. Did you or did you not intimate to me at Washington that probably war would not be declared before the 4th July; or had I any reason to suppose it would, from your first letter of the 18th June; and was not that letter written before the act declaring war was actually passed?

A. I have not such a recollection of the conversation respecting the probable time of the declaration of war, as to enable me to answer satisfactorily that part of the interrogatory.—One of my letters of the 18th of June, the one presumed to be referred to, was written on the day of the declaration, but before the declaration was made, on a presumption that it would be made on that day; and it was intended that you should infer that such an event would take place in a short time.

Q. 10. Were there any appropriations made for me, either to make presents to the Indians or for other purposes?

A. There were appropriations for Indian presents and for other purposes.

Q. 11. What was my reputation in the several situations you have known me, in the revolutionary war, as major general in the militia of

Massachusetts, as senator of that state, and as governor of the territory of Michigan?

*A.* Your character as an officer in the revolutionary army, and as major general in the militia of Massachusetts, was that of a brave, active and useful officer.

*Q.* 12. Did you not receive information, in the spring of 1812, that troops had arrived at Quebec to relieve those stationed there?

*A.* I have no recollection of such information.

*Q.* 13. Did you not receive information that Sir George Prevost had taken upon himself the responsibility of retaining those intended to be relieved, in consequence of the prospect or actual declaration of war; and at what time did you receive this intelligence?

*A.* I do not recollect such information.

*Q.* 14. Was this information ever communicated to me by you or any member of the government to your knowledge?

*A.* Answered by the preceding answer.

*Q.* 15. Look upon the papers now shewn to you marked respectively A. B. C. D. E. F. with your initials purporting to be letters from you to me, are the signatures thereto your signatures?

*A.* By my signature endorsed on letters A. B. C. D. E. F.

*Q.* 16. Look upon the papers now shewn to you and marked G. H. I. K. L. M. N. O. P. Q. R. purporting to be the copies or drafts of letters written by me to you as secretary of war, do you know or believe that such letters as these documents purport to be copies of, were received by you from me? please to answer this question as fully as your memory will permit with respect to the said letters or any or either of them.

*A.* Of the papers marked G. H. I. K. L. M. N. O. P. Q. R. I can only say that so far as I have examined them I think it probable they are copies of letters addressed to the war department; of their number or contents I cannot speak with certainty or confidence—the originals of all letters addressed to the war department must be on file in the war office; and it is presumed will be furnished (or copies of them) on application.

(Signed)

W. EUSTIS

*Albany, January 23d, 1814.*

*Boston, February 4th 1814.*

Having been requested by Brig. Gen. Hull, to state to you any information in my power to you respecting his character as an officer during the late revolutionary war, I would observe that I became acquainted with this gentleman in the month of February 1776, and that from that time I was well acquainted with his character and conduct to the close of the war in 1783.—During that period it fell to the general's lot frequently to meet the enemy in combat; and, in every instance, he acquitted himself much to his own honor and to the satisfaction of his superior officers.—No officer of his rank, (as far as my knowledge of that subject will enable me to speak) stood higher in the estimation of the army generally than General Hull, not only as a disciplinarian and an officer of intelligence, but as a man of great enterprize and gallantry—I can add that he possessed in a high degree the confidence of General Washington.—Notwithstanding my long acquaintance with General Hull as an officer, I never had an opportunity to witness his conduct in action more

than once—although I have often seen him under circumstances of great danger from the fire of the enemy. In the month of September, 1776, at White Plains, he acted under my immediate orders, and was detached from the line, with a company he then commanded, to oppose a body of light infantry and Yagers advancing upon the left flank of the American army—His orders were executed with great promptitude, gallantry and effect—Tho' more than double his number, the enemy was compelled to retreat, and the left of the American line thus enabled, by a flank movement, in safety to pass the Bronx.

With great respect I am sir, your servant,

(Signed)

I. BROOKS.

To the President of the court martial, Albany.

*Albany, 17th February, 1814.*

*To the court martial appointed for the trial of General Hull.*

I say, on my sacred honor, that I was a captain in the year 1777, in Colonel Vanscock's regiment of the state of New-York, that I served with General Hull in the year 1777, in the expedition under General Arnold, which relieved Fort Stanwix. That I likewise served with General Hull in the campaign of 1778, and was with him in the battle of Monmouth, when I was wounded and lost my arm; that there was no officer of General Hull's rank that stood higher in my estimation, and as far as I knew, in the estimation of the army; that he was considered as a brave and excellent officer.

(Signed)

JOSEPH McCACKEN.

*A major in the New-York line in the year 1778.*

I, Salmon Hubbell, of Bridgeport in the state of Connecticut, being duly sworn, do depose and say, that I was a lieutenant in the 5th Connecticut regiment of continental troops, and was acquainted with General William Hull in the revolutionary army, and always considered him a gentleman in every respect as well as a brave and a good officer. He was in the attack on Stoney-point, which took place in the morning of July 16th, 1779, under the immediate command of General Wayne; (the mode of attack now before me) wherein is ordered that Col. Meggs will form next in Febige's rear, and Major Hull in the rear of Col. Meggs, which will be the right column. The result speaks in the highest language of the good conduct of each officer and soldier. This deponent further saith, that he did aid and assist in said attack on Stoney-point and was therefore knowing to the conduct of General Hull therein.

(Signed.)

SALMON HUBBELL.

*Bridgeport, January 20th, 1814.*

Sworn before me. *Joseph Backus, Justice of the Peace.*

### COL. JACOB KINGSBURY'S DEPOSITION.

*Question.* Was you not ordered by the secretary of war to repair to Washington in March, 1812.

A. I was.

Q. On your arrival at Washington was you not ordered to the state of Ohio, to take the command of the troops destined for Detroit ?

A. I was.

Q. Did you know what number and what description of troops that command was to consist of ?

A. I was to have 300 regular troops and 1500 militia, according to my best recollection.

Q. What were your instructions ?

A. My orders were to cut a road to the Rapids of the Miami, build a stockade fort at that place, garrison it with one company, then cut a road to Detroit and put that fort in the best possible state of defence, and wait for further orders.

Q. Did you not expect that the object of that force was to protect the northern frontier against the Indians in case of war ?

A. I did.

Q. Did you estimate that force sufficient for offensive operations against Upper Canada, in case of a war with Great Britain ?

A. I did not.

Q. How long did you command at Detroit, and when did you leave it ?

A. I commanded at Detroit about two years, and left it in July, 1811.

Q. During the time you commanded at Detroit were there not large droves of hogs and fat beef cattle driven from Ohio to that market ?

A. There was.

Q. Was you an officer in the revolutionary army ?

A. I was.

Q. Had you any knowledge of my character and military conduct during that period ?

A. I had—General Hull was considered by all ranks in that army as gallant and brave. I was in an expedition when he commanded against the enemy at Morrisaneau, near New-York, which was arduous and dangerous ; all his arrangements were judicious, and his conduct in the execution of them was that of a brave and intrepid officer. In 1783, I was in the light-infantry under General Hull's command, then stationed near Kingsbridge, and remained with him until the British evacuated New-York, when he marched in his troops and took possession of the city.

(Signed.)

JACOB KINGSBURY.

Col. 1st Regt. Infantry and Insp. General.

Sworn this 3d day of March, 1814, before me, }

(Signed.) *Absalom Townsend, jun.* mast. in chan. }

COMMONWEALTH OF MASSACHUSETTS. }  
SUFFOLK, SS. }

Personally appeared before me, the subscriber, a justice of the peace in and for the said county, Charles Stewart, esq. a post captain in the navy of the U. S. who being sworn on the holy evangelists of Almighty God, deposeth and saith :

That he received an order from the secretary of the navy, dated the 18th of March, 1812, to repair to Washington, as it was contemplated by the government to trust him with an important command ; that in compliance with the said order he arrived at Washington in the beginning of

April, and at his first interview with the secretary, he was informed, "that it was contemplated to give him the command on the lakes, that the secretary stated that a naval force, superior to the British on the lakes, had been strongly urged by General Hull as essential, and as a certain means of ensuring to the army success; that the question of increasing our naval force there was then under consideration of the president, which he had not yet decided on; that there was no law of congress which would authorize an increase of our naval force there, but that in all probability the president would recommend to congress the passing of such law, when the more important business of the session was gone through; at any rate the secretary would give him an order to build a brig of war on Lake Ontario, to carry eighteen guns;" that after remaining a few days at Washington, and maturely considering the importance of the service (in case of war) the limited means he would have, together with his ignorance of that country and the lakes he declined the honor intended him by the government.

(Signed.)

CHARLES STEWART.

Sworn and subscribed before me, at Boston, 18th December, 1813.

(Signed.) *William Tudor*, justice of the peace and quorum through the commonwealth aforesaid.

*Washington, April, 9, 1812.*

Sir—I have received your letter of yesterday informing me of my appointment as a brigadier general in the army of the United States.

You will please to communicate to the President my acceptance of the appointment, and my readiness to repair to my duty in conformity to his instructions—with great respect,

I have the honor to be, sir,

Your most obedient servant,

(Signed)

WM. HULL

Honorable Wm. Eustis,

Secretary of the dept. of War.

*On the Ohio, opposite Marietta, 3d May, 1812—  
6 o'clock in the morning.*

Sir,

I am proceeding with all possible expedition to Cincinnati—seven days ago, 240 volunteers descended the river from this place—I understand Gov. Meigs has marched the volunteers raised at and in the neighborhood of Chillicothe to Dayton, the place of rendezvous—I have heard nothing as yet of the 4th regiment, I hope to meet them at Dayton.

I met with Robert A. McCabe, an ensign in the 1st regiment, at Pittsburg—He is now with me and commands the 40 recruits on board my boats—from the best information I have obtained, the whole number of 1200 will be in readiness and principally volunteers.

The state of Ohio has exhibited a noble example—Respectfully,  
(Signed)

WM. HULL.

P. S. I do not stop here even to visit my old revolutionary friends  
H.  
Honorable Wm. Eustis,  
Secretary, department of War.

*Head-Quarters, Detroit, July 7, 1812.*

I have the honor to inform you that the army under my command arrived at this place on the 5th instant—at the fork of the Rapids of the Miami some part of the public stores and the officers' private baggage were put on board a small vessel to be transported to Detroit—at that time I had not received your letter informing me of the declaration of war—the vessel was taken on the passage and carried into Amherstburg—Inclosed are copies of two letters, one which I addressed to Col. George Coruds at Amherstburg, the other his answer.

The greatest possible exertions have been made to induce the Indians to join the British standard—The Tomahawk stained with blood has been presented to the natives in due form—The approach of this army has prevented many of them from accepting it—For a number of weeks they have issued about two thousand rations per day : from the best information their number is decreasing.

The patience and perseverance with which this army has sustained a march attended with difficulties uncommon in their nature, does honor to themselves and their country.

The British have established a port at Sandwich opposite Detroit ;—the militia of Detroit have manifested a laudable and patriotic spirit.

In your letter of the 18th June you direct me to adopt measures for the security of the country and wait for further orders ;—I regret that I have not a larger latitude. I am, very respectfully, &c.

WILLIAM HULL.

Honorable William Eustis.

*Detroit, 9th July, 1812.*

Sir—I have received your letter of the 24th June.—The army under my command arrived here on the 5th July, inst. Every effort has been and is still making by the British, to collect the Indians under their standard ;—they have a large number. I am preparing boats and shall pass the river in a few days. The British have established a post directly opposite to this place ; I have confidence in dislodging them, and of being in possession of the opposite bank. I have little time to write ; every thing will be done that is possible to do. The British command the water and the savages ; I do not think the force here equal to the reduction of Amherstburg ; you therefore must not be too sanguine. I am, &c.

WILLIAM HULL.

Hon. William Eustis.

*Detroit, July 10, 1812.*

Sir—Mr. Beard, Augustus Porter's agent here, informed me that, in consequence of the lake being closed against us, he cannot furnish the necessary supplies of provisions. I have, therefore, authorized Mr. John H. Piatt, of Cincinnati, (now here) to furnish two hundred thousand rations of flour and the same quantity of beef. I have engaged to give him 5 per cent. on the amount of purchases and pay his necessary expenses, and the expence of transportation ; he will either hire or purchase pack-horses to transport the flour. I shall draw on you for the money necessary for the purpose. The communication must be secured or this army will be without provisions. Troops will be absolutely necessary on the road to protect the provisions. This must not be neglected ; if it is this army will perish by hunger. I am, &c.

(Signed.)

WILLIAM HULL.

Honourable W. Eustis.

B\*

*Sandwich, in Upper Canada, July 13th, 1812.*

Sir—from the 5th July inst. the day of the arrival of the army at Detroit, the whole was employed in strengthening the fortifications for the security of the town, and preparing boats for the passage of the river. About one hundred regulars of the British army, and, from the best accounts I have been able to obtain, six hundred Canadian militia with artillery, were in possession of the opposite bank, and fortifying directly opposite the town; seven or eight hundred Indians were likewise attached to this corps. On the evening of the 11th, before dark, the boats were ordered down the river, and a part of the army marched towards the river Rouge, with directions to return under cover of the night and proceed above the town. The object of this movement was to induce the enemy to believe that this was a preparatory measure to the passage of the river below: this indeed would have been the real movement, if a sufficient number of boats could have been collected for the passage of a body of troops at once superior to the enemy's: the necessary arrangements having been made, the latter moved above the town to Bloody bridge. The 4th U. S. regiment, M'Arthur's, Finley's and Cass's regiments of Ohio volunteers, with three six pounders under the command of Captain Dyson, marched to the same point; the descent was immediately made, and the army is now encamped on the Canada shore without the loss of a man. In the course of the night the enemy abandoned their position and retreated to Amherstburg. Both the embarkation and debarkation were conducted with the greatest regularity, and all the heavy artillery that was mounted on carriages was placed on the bank in suitable situations to have covered the landing. In less than five minutes after the first boat of a regiment struck the shore, the whole regiment was formed. The manner in which this difficult movement was executed does honor to the officers and soldiers of this army. I consider the possession of this bank as highly important. By erecting one or two batteries opposite to the batteries at Detroit, the river will be completely commanded in the rear of the army. On the Detroit River, the River La Trenche, and Lake St. Clair is a populous and valuable part of the province; it is likewise probable that when the Indians see the American standard erected on both sides the river it will have a favorable effect.

Inclosed is a copy of a proclamation to the inhabitants, which I hope will be approved by the government. Two hundred copies have been printed and are now in circulation; all the inhabitants who have seen it appear satisfied. I am, &c.

(Signed.)

WILLIAM HULL.

Hon. W. Eustis.

*Detroit, July 22d, 5 o'clock, A. M.*

Sir—yesterday afternoon I passed over to this place with Lieutenant Colonel Miller and one battalion of the 4th regiment, for the purpose of accelerating the preparations for the siege of Malden. I find that entirely new carriages must be built for the 24 pounders and mortars; it will require at least two weeks to make the necessary preparations; it is in the power of this army to take Malden by storm, but it would be attended, in my opinion, with too great a sacrifice under the present circumstances.

I am making preparations for an attempt on the "Queen Charlotte."

If Malden was in our possession I could march this army to Niagara or York in a very short time. I am, very respectfully, &c.

(Signed.)

WILLIAM HULL,

Brig. Gen. Commanding N. W. army, U. S.

The hon. W. Eustis.

*Sandwich, U. C. August 4th, 1812.*

Sir--At the time when the army under my command took possession of this part of the province of Upper Canada every thing appeared favourable, and all the operations of this army have been successful; circumstances have since occurred which seem materially to change our future prospects. The unexpected surrender of Michilimackinac and the tardy operations of the army at Niagara are the circumstances to which I allude. I have every reason to expect in a very short time a large body of Indians from the north, whose operations will be directed against this army. They are under the influence of the North and South-west Companies, and the interest of these companies depends on opening the communication of the Detroit river this summer. It is the channel by which they obtain their supplies, and there can be no doubt but every effort will be made against this army to open that communication. It is the opinion of the officers and the most intelligent gentlemen from Michilimackinac, that the British can engage any numbers of Indians they may have occasion for, and that (including the *Engages* of N. W. and S. W. Companies) two or three thousand will be brought to this place in a very short time. Despatches have been sent to Malden and the messengers have returned with orders. With respect to the delay at Niagara, the following consequences have followed: a Major Chambers of the British army with 55 regulars and 4 pieces of brass artillery, has been detached from Niagara, and by the last accounts had penetrated as far as Delaware, about 120 miles from this place; every effort was making by this detachment to obtain reinforcements from the militia and Indians; considerable numbers had joined; and it was expected this force would consist of 6 or 700: the object of this force is to operate against this army. Two days ago all the Indians were sent from Malden with a small body of British troops to Brownstown and Maguagstet, and made prisoners of the Wyandots at those places. There are strong reasons to believe that it was by their own consent, notwithstanding the professions they had made. Under all these circumstances you will perceive that the situation of this army is critical. I am now preparing a work on this bank, which may be defended by about 300 men. I have consulted with the principal officers and an attempt to storm the fort at Malden is thought unadvisable without artillery to make a breach. The pickets are 14 feet high, and defended by bastions on which are mounted 24 pieces of cannon.

I am preparing floating batteries to drive the Queen Charlotte from the mouth of the River Canards, and land them below that river; and it is my intention to march down with the army, and as soon as a breach can be made, attempt the place by storm. Circumstances, however, may render it necessary to re-cross the river with the main body of the army, to preserve the communication for the purpose of obtaining supplies from Ohio. I am constantly obliged to make a strong detachment to convoy the provisions between the foot of the Rapids and Detroit. If nothing should be done at Niagara, and the force should come from the north and the east, as is almost certain, you must be sensible of the difficulties which will attend my situation. I can promise nothing but my best and most faithful exertions to promote the honor of the army and the interest of my country. I am, very respectfully, &c.

(Signed.)

WILLIAM HULL.

Hon. W. Enstis.



*Sandwich, U. C. 29th July, 1812.*

Sir—in my letter of this date to the secretary of war, I have requested a reinforcement of 2000 men; 1500 from the state of Kentucky, and 500 from the state of Ohio. I hope, sir, you will consider yourself authorized to call them into service, and order them to the place of destination, before you receive particular instructions from the secretary of the department of war. I have just received information that Michilimackinac (situate 300 miles from here) has been taken by the British, aided by about 1000 Indians. The operations of this army has been hitherto successful, and it is of the greatest importance that the objects should be effected. I refer you to Mr. Carneal for every information respecting the situation of the army and the state of things. The men must be armed; we have no spare arms here. I have the honor, &c.

(Signed.)

WILLIAM HULL,  
Brig. General Comdg.

His excellency Gov. Scott.  
Similar written to Gov. Meigs.

*Detroit, 8th August, 1812.*

Sir—I have received your letter of the 26th July. Under existing circumstances I have, from private feelings, re-crossed the Detroit River with the main body of the army, without making an attempt on the British fort at Malden. My reasons were that I did not consider it could be done consistent with my orders, viz. the safety of the posts in our own country. Contrary to my expectations, the Wyandots have become hostile, and the other nations connected with them are following their example. Since the fall of Mackana the Indian force has been fast increasing in this part of the country. From all the information, a large Indian and Canadian force may be expected from Mackinack, and the force from Niagara, which I mentioned in my former letter, is advancing. My communications with the state of Ohio, on which the supplies of this army depended, is cut off, and having been defeated in an attempt to open that communication, as appears by my letter of the 7th inst. I considered it indispensibly necessary to open that communication. Perhaps the reduction of Malden would have been the most effectual mode. The bridges were broke down and the nature of the country was such that the officers of the artillery gave it as their opinion that the heavy pieces could not be brought before the work without much time and great labour; more time than would have been safe to have employed. Time does not admit of a detail of all the difficulties which every hour were encreasing. I have built a work nearly opposite Detroit, garrisoned by 230 infantry and 25 artillerists. In pursuance of my system, Lieutenant Colonel Miller is now commencing his march with six hundred of the best troops of the army to meet Captain Brush from Ohio with two hundred volunteers, escorting 300 head of cattle and a quantity of flour on pack-horses. I am very respectfully, &c.

(Signed.)

WILLIAM HULL.

The Hon. Wm. Eustis, secretary of war.

#### GENERAL HULL'S OFFICIAL ACCOUNT OF THE SURRENDER OF DETROIT.

*Montreal, September 8, 1812.*

Sir—The enclosed despatch was prepared on my arrival at Fort George, and it was my intention to have forwarded it from that place by

Major Witherell, of the Michigan volunteers. I made application to the commanding officer at that post, and was refused; he stating that he was not authorised, and General Brock was then at York. We were immediately embarked for this place, and Major Witherell obtained liberty at Kingston to go home on parole.

This is the first opportunity I have had to forward the despatches.

The fourth United States regiment is destined for Quebec, with a part of the first. The whole consist of a little over 300.

Sir George Prevost, without any request on my part, has offered to take my parole, and permit me to proceed to the states.

Lieut. Anderson, of the eighth regiment, is the bearer of my despatches. He was formerly a lieutenant in the artillery, and resigned his commission on being appointed marshal of the territory of Michigan. During the campaign he has had a command in the artillery; and I recommend him to you as a valuable officer.

He is particularly acquainted with the state of things previous and at the time when the capitulation took place. He will be able to give you correct information on any points, about which you may think proper to enquire. I am, very respectfully, your most obedient servant,

WILLIAM HULL.

Hon. W. Eustis, sec'y of the dept. of war.

*Fort George, August 26, 1812.*

Sir—Enclosed are the articles of capitulation, by which the fort of Detroit has been surrendered to Major General Brock, commanding his Britannic majesty's forces in Upper Canada, and by which the troops have become prisoners of war. My situation at present forbids me from detailing the particular causes which have led to this unfortunate event. I will, however, generally observe, that, after the surrender of Michillimackinac, almost every tribe and nation of Indians, excepting a part of the Miamies and Delawares, north, from beyond Lake Superior, west, from beyond the Mississippi, south from the Ohio and Wabash, and east from every part of Upper Canada, and from all the intermediate country, joined in open hostility, under the British standard, against the army I commanded, contrary to the most solemn assurances of a large portion of them to remain neutral: even the Ottawa Chiefs, from Arbecroth, who formed the delegation to Washington the last summer, in whose friendship I know you had great confidence, are among the hostile tribes, and several of them distinguished leaders. Among the vast number of chiefs who lead the hostile bands, Tecumseh, Marpot, Logan, Walk-in-the-water, Split-log, &c. are considered the principals. This numerous assemblage of savages, under the entire influence and direction of the British commander, enabled him totally to obstruct the only communication which I had with my country. This communication had been opened from the settlements in the state of Ohio, two hundred miles through a wilderness, by the fatigues of the army, which I marched to the frontier on the River Detroit. The body of the lake being commanded by the British armed ships, and the shores and rivers by gunboats, the army was totally deprived of all communication by water. On this extensive road it depended for transportation of provisions, military stores, medicine, clothing, and every other supply, on pack-horses—all its operations were successful until its arrival at Detroit, and in a few days it passed into the enemy's country, and all opposition seemed to fall before it. One month it remained in possession of this country, and was fed from its resources. In different directions detachments pene-

trated 60 miles in the settled part of the province, and the inhabitants seemed satisfied with the change of situation which appeared to be taking place—the militia from Amherstburg were daily deserting, and the whole country, then under the controul of the army, was asking for protection. The Indians generally, in the first instance, appeared to be neutralized, and determined to take no part in the contest. The fort of Amherstburg was eighteen miles below my encampment. Not a single cannon or mortar was on wheels suitable to carry before that place. I consulted my officers, whether it was expedient to make an attempt on it with the bayonet alone, without cannon to make a breach in the first instance. The council I called was of the opinion it was not. The greatest industry was exerted in making preparation, and it was not until the 7th of August that two 24 pounders, and three howitzers were prepared. It was then my intention to have proceeded on the enterprize. While the operations of the army were delayed by these preparations, the clouds of adversity, had been for some time and seemed still thickly to be gathering around me. The surrender of Michillimackinac opened the northern hive of Indians, and they were swarming down in every direction.—Reinforcements from Niagara had arrived at Amherstburg under the command of Colonel Proctor. The desertion of the militia ceased. Besides the reinforcements that came by water, I received information of a very considerable force under the command of Major Chambers, on the River Le Trench, with four field pieces, and collecting the militia *en his* route, evidently destined for Amherstburg; and in addition to this combination, and increase of force, contrary to all my expectations, the Wyandots, Chippewas, Ottawas, Pottawatamies, Munsees, Delawares, &c. with whom I had the most friendly intercourse, at once passed over to Amherstburg, and accepted the tomahawk and scalping knife. There being now a vast number of Indians at the British post, they were sent to the River Huron, Brownstown and Maguago to intercept my communication. To open this communication I detached Major Vanhorne of the Ohio volunteers with 200 men to proceed as far as the River Raisin, under an expectation he would meet Captain Brush with 150 men, volunteers from the state of Ohio, and a quantity of provision for the army. An ambuscade was formed at Brownstown, and Major Vanhorne's detachment defeated, and returned to camp without effecting the object of the expedition.

In my letter of the 7th inst. you have the particulars of that transaction, with a return of the killed and wounded. Under this sudden and unexpected change of things, and having received an express from General Hull, commanding opposite the British shore on the Niagara river, by which it appeared there was no prospect of co-operation from that quarter, and the two senior officers of the artillery having stated to me an opinion that it would be extremely difficult, if not impossible, to pass the Turkey river and river Aux Canard, with the 24 pounders, and that they could not be transported by water, as the Queen Charlotte, which carried 18 24 pounders, lay in the River Detroit above the mouth of the River Aux Canard—and as it appeared indispensibly necessary to open the communication to the River Raisin, and the Miami, I found myself compelled to suspend the operation against Amherstburg, and concentrate the main force of the army at Detroit. Fully intending, at that time, after the communication was opened, to re-cross the river and pursue the object at Amherstburg, and strongly desirous of continuing protection to a very large number of the inhabitants of Upper Canada, who had voluntarily accepted it under my proclamation, I established a

fortress on the banks of the river, a little below Detroit, calculated for a garrison of 300 men. On the evening of the 7th and morning of the 3th inst. the army, excepting the garrison of 250 infantry, and a corps of artilleryists, all under the command of Major Denny of the Ohio volunteers, re-crossed the river and encamped at Detroit. In pursuance of the object of opening the communication, on which I considered the existence of the army depending, a detachment of six hundred men, under the command of Lieutenant Colonel Miller was immediately ordered. For a particular account of the proceedings of this detachment and the memorable battle which was fought at Maguago, which reflects the highest honour on the American arms, I refer you to my letter of the 13th August inst. a duplicate of which is enclosed, marked G. Nothing however but honour was acquired by this victory—and it is a painful consideration, that the blood of 75 gallant men could only open the communication, as far as the points of their bayonets extended. The necessary care of the sick and wounded, and a very severe storm of rain, rendered their return to the camp indispensibly necessary for their own comfort. Capt. Brush, with his small detachment and the provisions, being still at the River Raisin, and in a situation to be destroyed by the savages, on the 13th inst. in the evening, I permitted Cols. M'Arthur and Cass to select from their regiment four hundred of their most effective men, and proceed an upper route through the woods, which I had sent an express to Capt. Brush to take, and had directed the militia of the river Raisin to accompany him as a reinforcement. The force of the enemy continually increasing, and the necessity of opening the communication, and acting on the defensive, becoming more apparent, I had, previous to detaching Cols. M'Arthur and Cass, on the 11th inst, evacuated and destroyed the fort on the opposite bank. On the 13th in the evening, General Brock arrived at Amherstburg, about the hour Colonel M'Arthur, and Cass marched, of which at that time I had received no information. On the 15th I received a summons from him to surrender fort Detroit, of which the paper marked A is a copy, My answer is marked B. At this time I had received no information from Cols. M'Arthur and Cass. An express was immediately sent strongly escorted with orders for them to return. On the 15th, as soon as Gen. Brock received my letter, his batteries opened on the town and fort, and continued until evening. In the evening all the British ships of war came nearly as far up the river as Sandwich, three miles below Detroit. At day light on the 16th (at which time I had received no information from Col's M'Arthur and Cass, my expresses sent the evening before and in the night, having been prevented from passing by numerous bodies of Indians) the cannonade recommenced, and in a short time I received information, that the British army, and Indians, were landing below the Spring wells, under the cover of their ships of war. At this time the whole effective force at my disposal at Detroit did not exceed 800 men. Being new troops, and unaccustomed to a camp life—having performed a laborious march—having been engaged in a number of battles and skirmishes, in which many had fallen, and more had received wounds, in addition to which a large number being sick, and unprovided with medicine and the comforts necessary for their situation—are the general causes by which the strength of the army was thus reduced. The fort at this time was filled with women, children, and the old and decrepid people of the town and country—they were unsafe in the town, as it was entirely open and exposed to the enemy's batteries. Back of the fort, above or below it, there was no safety for them on account of

the Indians. In the first instance, the enemy's fire was principally directed against our batteries—towards the close, it was directed against the fort alone, and almost every shot and shell had their effect.

It now became necessary either to fight the enemy in the field; collect the whole force in the fort; or propose terms of capitulation. I could not have carried into the field more than six hundred men, and left any adequate force in the fort. There were landed at that time of the enemy a regular force of much more than that number, and twice the number of Indians. Considering this great inequality of force, I did not think it expedient to adopt the first measure. The second must have been attended with great sacrifice of blood, and no possible advantage, because the contest could not have been sustained more than a day for the want of powder and but a very few days for the want of provisions. In addition to this, Colonels M'Arthur and Cass would have been in a most hazardous situation. I feared nothing but the last alternative. I have dared to adopt it—I well know the high responsibility of the measure, and I take the whole upon myself. It was dictated by a sense of duty, and a full conviction of its expediency. The bands of savages which had then joined the British force were numerous beyond any former example. Their numbers have since increased, and the history of the barbarians of the north of Europe does not furnish examples of more greedy violence than these savages have exhibited. A large portion of the brave and gallant officers and men I commanded would cheerfully have contested until the last cartridge had been expended, and the bayonets worn to the sockets. I could not consent to the useless sacrifice of such brave men, when I knew it was impossible for me to sustain my situation. It was impossible, in the nature of things, that an army could have been furnished with the necessary supplies of provision, military stores, clothing and the comforts for the sick, on pack horses, through a wilderness of two hundred miles, filled with hostile savages. It was impossible, sir, that this little army, worn down by fatigue, by sickness, by wounds, and deaths, could have supported itself not only against the collected force of all the northern nations of Indians; but against the united strength of Upper Canada, whose population consists of more than twenty times that number contained in the territory of Michigan, aided by the principal part of the regular forces of the province, and the wealth and influence of the north west and other trading establishments among the Indians, who have in their employment and under their entire controul more than two thousand white men. Before I close this dispatch it is a duty I owe my respectable associates in command, Colonels M'Arthur, Findley, Cass, and Lieutenant Colonel Miller, to express my obligations to them for the prompt and judicious manner they have performed their respective duties. If aught has taken place during the campaign, which is honourable to the army, these officers are entitled to a large share of it. If the last act should be disapproved, no part of the censure belongs to them. I have likewise to express my obligation to General Taylor, who has performed the duty of quarter-master-general, for his great exertions in procuring every thing in his department which it was possible to furnish for the convenience of the army; likewise to Brigade Major Jessup, for the correct and punctual manner in which he has discharged his duty; and to the army generally for their exertion and the zeal they have manifested for the public interest. The death of Dr. Foster soon after he arrived at Detroit, was a severe misfortune to the army; it was increased by the capture of the Chechaga packet, by which the medicine and

hospital stores were lost. He was commencing the best arrangements in the department of which he was the principal, with the very small means he possessed. I was likewise deprived of the necessary services of Captain Partridge by sickness, the only officer of the corps of engineers attached to the army. All the officers and men have gone to their respective homes, excepting the 4th United States regiment, and a small part of the first, and Captain Dyson's company of artillery. Captain Dyson's company was left at Amherstburg, and the others are with me prisoners—they amount to about three hundred and forty. I have only to solicit an investigation of my conduct, as early as my situation, and the state of things will admit; and to add the further request, that the government will not be unmindful of my associates in captivity, and of the families of those brave men who have fallen in the contest.

I have the honour to be, very respectfully, your most obedient servant.

W. HULL.

Brigadier general commanding the north-western army of the United States.

Hon. W. Eustis, secretary of the department of war.

BY WILLIAM HULL,

*Brigadier General and Commander of the North-Western Army of the United States.*

### A PROCLAMATION.

#### INHABITANTS OF CANADA!

After thirty years of peace and prosperity, the United States have been driven to arms. The injuries and aggressions, the insults and indignities of Great Britain have once more left them no alternative but manly resistance or unconditional submission. The army under my command, has invaded your country; the standard of the Union now waves over the territory of Canada. To the peaceable unoffending inhabitant, it brings neither danger nor difficulty. I come to find enemies, not to make them. I come to protect, not to injure you.

Separated by an immense ocean and an extensive wilderness from Great Britain, you have no participation in her councils nor interest in her conduct. You have felt her tyranny, you have seen her injustice. But I do not ask you to avenge the one or redress the other. The United States are sufficiently powerful to afford every security, consistent with their rights and your expectations. I tender you the invaluable blessing of civil, political and religious liberty, and their necessary result, individual and general prosperity: that liberty which gave decision to our councils, and energy to our conduct in a struggle for independence, which conducted us safely and triumphantly through the stormy period of the revolution—the liberty which raised us to an elevated rank among the nations of the world: and which afforded us a greater measure of peace and security, of wealth and improvement, than ever fell to the lot of any people. In the name of my country, and the authority of government, I promise you protection to your persons, property and rights; remain at your homes; pursue your peaceful and customary avocations; raise not your hands against your brethren. Many of your fathers fought for the freedom and independence we now enjoy. Being children therefore of the same family with us, and heirs to the same heritage,

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the arrival of an army of friends must be hailed by you with a cordial welcome. You will be emancipated from tyranny and oppression, and restored to the dignified station of freemen. Had I any doubt of eventual success, I might ask your assistance, but I do not. I come prepared for every contingency—I have a force which will break down all opposition, and that force is but the van guard of a much greater—If, contrary to your own interest and the just expectations of my country, you should take a part in the approaching contest, you will be treated and considered as enemies, and the horrors and calamities of war will stalk before you. If the barbarous and savage policy of Great Britain be pursued, and the sayages let loose to murder our citizens and butcher our women and children, **THIS WAR WILL BE A WAR OF EXTERMINATION.** The first stroke of the tomahawk—the first attempt with the scalping knife, will be the signal of one indiscriminate scene of desolation. No white man found fighting by the side of an indian will be taken prisoner—instant death will be his lot. If the dictates of reason, duty, justice and humanity cannot prevent the employment of a force which respects no rights, and knows no wrong, it will be prevented by a severe and relentless system of retaliation. I doubt not your courage and firmness—I will not doubt your attachment to liberty. If you tender your services voluntarily, they will be accepted readily. The United States offer you peace, liberty and security. Your choice lies between these and war, slavery and destruction—Choose then; but choose wisely and may he who knows the justice of our cause, and who holds in his hand the fate of nations, guide you to the result the most compatible with your rights and interests, your peace and happiness.

By the General,

A. P. HULL.

*Captain of the 13th United States regiment of Infantry and Aid-de-Camp.  
Head-quarters, Sandwich, July 12, 1812.*

WILLIAM HULL.

*Camp, Spring Hill, 3 miles below Detroit, July 6, 1812.*

SIR,

Since the arrival of my army, at this encampment (5 o'clock P. M. yesterday) I have been informed that a number of discharges of artillery and of small arms have been made by the militia of the territory from this shore, into Sandwich: I regret to have received such information; the proceeding was unauthorized by me. I am not disposed to make war against private property, or to authorize a wanton attack upon unoffending individuals.

I would be happy to learn whether you consider private property a proper subject of seizure and detention; I allude to the baggage of officers in particular.

The bearer of this is Colonel Cass, an officer commanding one of my regiments; he is accompanied by Captain Hickman. He is in possession of my views on the subject of an exchange of prisoners, and is authorized to enter into a stipulation for that purpose.

(Signed.)

Wm. HULL,

Brig. Gen. U. S. Army.

Col. St. George, or the officer commanding Fort Malden.

*Amherstburg, July 6, 1812.*

SIR,

I am honoured with your letter of this days date ; I perfectly coincide with you in opinion respecting private property, and any wanton attack upon unoffending individuals, and am happy to find, what I was certain would be the case, that the aggression in question was unauthorized by you.

In respect to the property of officers not on board a vessel at the time of capture, I must be judged by the custom of war in like cases, in justice to the captors, and shall always be ready to meet your wishes respecting an exchange of prisoners when I receive orders on that subject from my government.

I have the honour, &amp;c.

(Signed.)

J. B. St. GEORGE.

Lieut. Col. commanding at Amherstburg.

Brig. Gen. Hull.

*Detroit, July 11th, 1812.*

DEAR SIR,

The army arrived here on the 5th inst. I have now only time to state to you that we are very deficient in provisions, and I have authorized Mr. Pratt to furnish a supply for two months.

The communication must be preserved by your militia, or this army will perish for the want of provisions. We have the fullest confidence, you will do all in your power to prevent so distressing a calamity as the want of provisions to this patriotic army.

I am, &amp;c.

(Signed.)

Wm. HULL,

Brig. Gen. commanding.

Governor Meigs.

## GENERAL ORDERS.

*Detroit, August 4, 1812.*

If Major Van Horne should deem a larger force necessary to guard the provisions from river Raisin to Detroit, than the detachment under his command, he is authorized to order Captain Lacroix and fifty of his company to join him, and march on the whole or part of the way to Detroit. It must, however, be so arranged that his march back will be safe, if the company does not proceed the whole distance.

(Signed.)

Wm. HULL.

Brig. Gen. Commanding.

*River Raisin, August 4, 1812:*

BRIGADIER GENERAL HULL.

HON'D. SIR,

According to your order of the 10th July, I have this day called into actual service all the 2d regiment, except Captain D. Hull's company, at the Miami. It appears that we are invaded on all sides; a number of our citizens has been taken prisoners or killed between the river Huron and Swamp Creek, and they have been at Sandy Creek up the settlement, and skulking about. I now wish to know if I will call Captain Hull's company into service, and how I will organize the regiment, and whether I will take the command as my present rank—if Captain Lacroix will be under my command or not. I am fearful this settle-



ment will be all cut off, since the Wyandots have gone over; but I am determined to give them a brushing if they come here. I send Mr. Wm. Knaggs express to wait your answer; I refer you to him for further news. Wishing to hear what news the mail would give us, I thought proper to detain Mr. Knaggs until its arrival; but finding it did not arrive by nine o'clock this night (the 5th) I have closed my letter.

I am doubtful if the mail is not taken, but I hope not; I do all in my power to keep up the spirits of the inhabitants, which is all but exhausted. There is 40 men on guard and patrol at this place, and ten at the other creek, and will continue the same until further orders. We are short of ammunition if attacked, please to keep a little for us if possible. I wish to know how many men will entitle a captain to command. I understand, by good authority, that numbers of Indians is passing on the heads of this river and river Huron, on their way to MALDEN; and, I think, that if some plan is not taken soon, that they will be in thousands at that place before long; but we must not despair in the goodness of providence. I wish you to send Mr. Knaggs out as soon as possible to let us know the news, &c. Wishing you prosperity, and that soon.

I am your most obedient and humble servant,

JOHN ANDERSON.

P. S. In behalf of the inhabitants, I request you will not order away any of the people from this place, for we are too few for its defence; if it was possible, to be succored would be best.

(Signed.)

J. A.

*Fort William, July 19th, 1812.*

DUNCAN MACKINTOSH, Esq.

DEAR SIR—I can just command as much time as to drop you a few lines, merely to acquaint you that we are not ignorant of the impolitic steps taken by the government of the United States of America. The declaration of war reached us on the 16th instant; but we were neither astonished nor alarmed; our agents ordered a general muster which amounted to 1,209, exclusive of several hundred of the natives; we are now equal in all to 1,600 or 1,700 strong. One of our gentlemen started on the 17th with several light cannoes for the interior country to rouse the natives to activity, which is not hard to do on the present occasion. We likewise dispatched messengers in all directions with the news. I have not the least doubt but our forces will amount, in ten days hence, to at least 5,000 effective men. It is not our intention to forward our packs before the latter end of September or the beginning of October. It happens very fortunately that we are well supplied with warlike stores, and I assure you that the Americans will not intercept our property without meeting with a warm reception. We are at present very busy in fortifying this place; however, the property that will remain here will be of little importance, as our most valuable property goes into the interior. Our young gentlemen and engagers offered, most handsomely, to march immediately for Michillimackinac; our chief, Mr. Shaw, expressed his gratitude, and drafted 100. They are to sail this evening, and to proceed for St. Joseph. He takes as many Indians: could the vessel contain them, he might have had 4,000 more. It now depends entirely on what accounts we receive from the government, whether the numerous tribes from the interior will proceed to St. Joseph or not—so much for politics. We understand that Captain

Barbanck declared himself an American; this is no disappointment to us, as we have another to take the command. We depend much upon your brother. The last supply from your quarter arrived in sufficient time to meet our outfits. I will not enter into the general business, as the agents address your father on that head. We are a little apprehensive that the yankees have got hold of our tobacco from Albany. I must conclude in great haste, as the vessel is going to weigh anchor.

I remain, &c.

(Signed.)

K. MACKENZIE.

*Extract of a letter from Lieut. Hankx, deceased, late commandant of Michillimackinac, to General Hull, dated "Detroit, 4th August, 1812.*

Sir—I take the earliest opportunity to acquaint your excellence of the surrender of Michillimackinac, under my command to his Britannic majesty's forces under the command of Captain Charles Roberts, on the 17th ult.—the particulars of which are as follows:—On the 16th, I was informed by the Indian interpreter, that he had discovered from an Indian that the several nations of Indians then at St. Joseph, (a British garrison, distance forty-five miles) intended to make an immediate attack on Michillimackinac. I was inclined, from the coolness I had discovered in some of the principal chiefs of the Ottawa and Chippawa nations, who had but a few days before professed the greatest friendship for the United States, to place confidence in this report. I immediately called a meeting of the American gentlemen at that time on the island, in which it was thought proper to dispatch a confidential person to St. Joseph to watch the motions of the Indians. Capt. Daurman, of the militia was thought the most suitable for this service. He embarked about sunset and met the British forces within ten or fifteen miles of the island, by whom he was made prisoner and put on his parole of honor. He was landed on the island at day-break, with positive directions to give me no intelligence whatever. He was also instructed to take the inhabitants of the village indiscriminately to a place on the west side of the island, where their persons and property should be protected by a British guard; but should they go to the fort, they would be subject to a general massacre by the savages, which would be inevitable if the garrison fired a gun. This information I received from Doctor Day, who was passing through the village when every person was flying for refuge to the enemy. Immediately on being informed of the approach of the enemy, I placed ammunition, &c. in the block-houses; ordered every gun charged, and made every preparation for action. About 9 o'clock I could discover that the enemy were in possession of the heights that commanded the fort, and one piece of their artillery directed to the most defenceless part of the garrison. The Indians at this time were to be seen in great numbers in the edge of the woods. At half past 11 o'clock, the enemy sent in a flag of truce, demanding a surrender of the fort and island to his Britannic Majesty's forces. This, Sir, was the first information I had of the declaration of war; I, however, had anticipated it and was as well prepared to meet such an event as I possibly could have been with the force under my command, amounting to fifty-seven effective men, including officers. Three American gentlemen, who were prisoners, were permitted to accompany the flag: from them I ascertained the strength of the enemy to be from nine hundred to one thousand strong, consisting of regular troops, Canadians and savages, that they had two pieces of artillery and were provided with ladders and ropes for the purpose of scaling the works if necessary. After I had obtained

this information, I consulted my officers and also the American gentlemen present, who were very intelligent men ; the result of which was, that it was impossible for the garrison to hold out against such a superior force. In this opinion I fully concurred, from a conviction that it was the only measure that could prevent a general massacre. The fort and garrison were accordingly surrendered.

" The enclosed papers exhibit copies of the correspondence between the officer commanding the British forces and myself, and of the articles of capitulation. This subject involved questions of a peculiar nature ; and I hope, Sir, that my demands and protests will meet the approbation of my government. I cannot allow this opportunity to escape without expressing my obligations to Dr. Day for the service he rendered me in conducting this correspondence.

" In consequence of this unfortunate affair, I beg leave, Sir, to demand that a court of enquiry may be ordered to investigate all the facts connected with it ; and I do further request, that the court may be speedily directed to express their opinion on the merits of the case.

I have the honour to be, &c.

P. HANKS.

Lieutenant of Artillery.

His Excellency Gen. Hull,

Commanding the N. W. Army."

" P. S. The following particulars relative to the British force were obtained after the capitulation, from a source that admits of no doubt : Regular troops 46 (Including 4 officers ;) Canadian militia 260—Total 306.

SAVAGES—Sionx 56 ; Winnebagoes 48 ; Tallesawain 39 ; Chippawas and Ottawas 572—savages 718, whites 306—Total 1024.

" It may also be remarked, that one hundred and fifty Chippawas and Ottawas joined the British, two days after the capitulation. P. H."

" Heights above Michillimackinac.

" 17th July, 1812.

#### "CAPITULATION

" Agreed upon between Captain Charles Roberts, commanding his Britannic Majesty's forces, on the one part, and Lieut. Porter Hanks, commanding the forces of the United States, on the other part.

" 1st. The Fort of Michillimackinac shall immediately be surrendered to the British forces.

" 2d. The garrison shall march out with the honours of war, lay down their arms, and become prisoners ; and shall be sent to the U. States of America by his Britannic Majesty, not to serve this war until regularly exchanged : and for the due performance of this article, the officers pledge their word and honour.

" 3d. All the merchant vessels in the harbour, with their cargoes, shall be in possession of their respective owners.

" 4th. Private property shall be held sacred as far as it is in my power

" 5th. All the citizens of the U. States, who shall not take the oath of allegiance to his Britannic Majesty, shall depart with their property from the island in one month from the date hereof.

(Signed)

CHARLES ROBERTS,

Captain commanding his Britannic Majesty's forces.

P. HANKS,

Lieutenant commanding the United States' troops."

"Supplement to the articles of capitulation signed on the 7th July.

"The Captains and crews of the vessels Erie, and Freegoodwill, shall be included under the second article, not to serve until regularly exchanged, for which the officers shall pledge their word of honour.

"Fort Michilimackinac,

"23d July, 1812.

CHARLES ROBERTS,

Captain commanding the forces of his  
Britannic majesty.

GRANTED.

P. HANKS.

Lieutenant commanding the United  
States' troops.

*Head-Quarters Sandwich, August 15, 1812.*

Sir—The force at my disposal, authorises me to require of you the immediate surrender of Fort Detroit. It is far from my inclination to join in a war of extermination, but you must be aware, that the numerous body of Indians, who have attached themselves to my troops, will be beyond my controul the moment the contest commences. You will find me disposed to enter into such conditions as will satisfy the most scrupulous sense of honour. Lieut. Colonel M'Donnell and Major Glegg are fully authorised to conclude any arrangement that may lead to prevent the unnecessary effusion of blood. I have the honour to be, Sir, your most obedient servant,

(Signed)

ISAAC BROCK, Maj. Gen.

His Excellency Brig. Gen. Hull,  
Commanding at Fort Detroit.

*Head-Quarters Detroit, August 15, 1812.*

Sir—I have no other reply to make, than to inform you, that I am prepared to meet any force which may be at your disposal, and any consequences which may result from any exertion of it you may think proper to make.

I avail myself of this opportunity to inform you that the flag of truce, under the direction of Captain Brown, proceeded contrary to the orders and without the knowledge of Col. Cass, who commanded the troops which attacked your picket, near the River Canard Bridge.

I likewise take this occasion to inform you that Cowie's house was set on fire contrary to my orders, and it did not take place until after the evacuation of the Fort. From the best information I have been able to form on the subject, it was set on fire by some of the inhabitants on the other side of the river. I am, very respectfully, your excellency's most obedient servant.

(Signed)

W. HULL, Brig. Gen.

Commanding the N. W. Army of the U. S.  
His excellency Maj. Gen. Brock, commanding his Britannic  
Majesty's forces, Sandwich, Upper Canada.

(copy)

#### GENERAL ORDERS.

*Head-Quarters, at Detroit, 16th August, 1812.*

It is with pain and anxiety that Brigadier General Hull announces to the north western army, that he has been compelled from a sense of duty to agree to the following articles of capitulation.

*Camp Detroit, August 16, 1812.*

Capitulation of surrendering Fort Detroit, entered into between Major General Brock, commanding his Britannic Majesty's forces of the one part, and Brigadier General Hull, commanding the north western army of the United States of the other part—

*Article 1st.* Fort Detroit, with all the troops, regulars as well as militia, will be immediately surrendered to the British forces under the command of Major General Brock, and will be considered prisoners of war, with the exception of such of the militia of the Michigan territory as have not joined the army.

*Article 2d.* All public stores, arms and public documents, including every thing also of a public nature, will be immediately given up.

*Article 3d.* Private property and private persons of every description will be respected.

*Article 4th.* His excellency, Brigadier General Hull, having expressed a desire that a detachment from the state of Ohio on its way to join his army, as well as one sent from fort Detroit under the command of Colonel M'Arthur, should be included in the above stipulation, it is accordingly agreed to. It is however to be understood that such parts of the Ohio militia as have not joined the army, will be permitted to return home on condition that they will not serve during the war—their arms, however, will be delivered up, if belonging to the public.

*Article 5th.* The garrison will march out at the hour of 12 o'clock this day, and the British forces take immediate possession of the fort.

J. M'DOWEL, Lt. Col. Militia B. A. D. C.

J. B. GREGG, Major A. D. C.

to be  
APPROVED.

WILLIAM HULL, Brig. Gen.

Commanding the N. W. army.

JAMES MILLER, Lt. Col.

5th U. S. Infantry.

E. BRUSH, Col. 1st. Reg.

Michigan Militia.

APPROVED.

ISAAC BROCK, Maj. Gen.

The army at 12 o'clock this day will march out of the east gate, where they will stack their arms and will be then subject to the articles of capitulation.

WM. HULL, Brig. Gen.

Commanding N. W. Army.

[*Capitulation herewith published.*]

An article supplementary to the articles of capitulation concluded at Detroit, 16th August, 1812. It is agreed that the officers and soldiers of the Ohio militia and volunteers shall be permitted to proceed to their respective homes, on this condition, that they are not to serve during the present war, unless they are exchanged.

(Signed)

W. Hull, Brig. Gen.

Commanding N. W. Army U. S.

ISAAC BROCK, Maj. Gen.

An article in addition to the supplementary article of the capitulation, concluded at Detroit, 16th August, 1812.

It is further agreed that the officers and soldiers of the Michigan militia and volunteers, under the command of Major Wetherell, shall be

placed on the same principles as the Ohio volunteers and militia are placed by the supplementary article of the 16th instant.

(Signed)

W. HULL, Brig. Gen.  
Commanding N. W. army U. S.  
ISAAC BROCK, Maj. Gen.

#### LETTER OF COLONEL CASS.

*Of the Army late under the command of Brigadier General William Hull, to the Secretary of War. Washington, September 10, 1812.*

Sir—Having been ordered on to this place by Col. M'Arthur, for the purpose of communicating to the government, such particulars respecting the expedition lately commanded by Brigadier General Hull, and its disastrous result, as might enable them correctly to appreciate the conduct of the officers and men, and to develop the causes which produced so foul a stain upon the national character, I have the honour to submit to your consideration the following Statement :

When the forces landed in Canada, they landed with an ardent zeal and stimulated with the hope of conquest. No enemy appeared within view of us, and had an immediate vigorous attack been made upon Malden, it would doubtless have fallen an easy victory. I know Gen. Hull afterwards declared he regretted this attack had not been made, and he had every reason to believe success would have crowned his efforts. The reason given for delaying our operations, was to mount our heavy cannon and afford the Canadian militia time and opportunity to quit an obnoxious service.—In the course of two weeks, the number of their militia who were embodied had decreased by desertion from six hundred to one hundred men—and, in the course of three weeks, the cannon were mounted, the ammunition fixed, and every preparation made for an immediate investment of the fort. At a council, at which were present all the field officers, and which was held two days before our preparations were completed, it was unanimously agreed to make an immediate attempt to accomplish the object of the expedition. If by waiting two days we could have the service of our heavy artillery, it was agreed to wait—if not, it was determined to go without it and to attempt the place by storm. This opinion appeared to correspond with the views of the General, and the day was appointed for commencing our march. He declared to me, that he considered himself pledged to lead the army to Malden. The ammunition was placed in the waggons—the cannon were embarked on board the floating batteries and every requisite article was prepared—The spirit and zeal, the ardour and animation displayed by the officers and men, on learning the near accomplishment of their wishes, was a sure and sacred pledge that in the hour of trial they would not be wanting in their duty to their country and themselves. But a change of measures, in opposition to the wishes and opinions of all the officers, was adopted by the General. The plan of attacking Malden was abandoned, and instead of acting offensively, we broke up our camp, evacuated Canada, and re-crossed the river in the night, without even the shadow of an enemy to injure us. We left to the tender mercy of the enemy the miserable Canadians who had joined us, and the *Protection* we afforded them was but a passport to vengeance. This fatal and unaccountable step dispirited the troops, and destroyed the little confidence which a series of timid, irresolute and undecisive measures had left in the commanding officer.

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About the 10th of August, the enemy received a reinforcement of four hundred men. On the 12th, the commanding officers of three of the regiments (the fourth was absent) were informed through a medium which admitted of no doubt, that the general had stated, that a capitulation would be necessary. They on the same day addressed to Gov. Meigs of Ohio a letter, of which the following is an extract :

"Believe all the bearer will tell you.—Believe it, however it may astonish you, as much as if told you by one of us. Even a ~~commander~~ is talked of by the ~~bearer~~ The bearer will fill the vacancy."

The doubtful fate of this letter rendered it necessary to use circumspection in its details, and therefore these blanks were left. The word "capitulation" will fill the first, and "commanding general" the other. As no enemy was near us, and as the superiority of our force was manifest, we could see no necessity for capitulating, nor any propriety in alluding to it. We therefore determined in the last resort to incur the responsibility of divesting the general of his command. This plan was eventually prevented by two of the commanding officers of regiments being ordered upon detachments.

On the 13th, the British took a position opposite to Detroit, and began to throw up works. During that and the two following days, they pursued their object without interruption and established a battery for two 18 pounders and an 8-inch howitzer—About sunset on the evening of the 14th, a detachment of 350 men from the regiments commanded by Col. M'Arthur and myself, was ordered to march to the river Raisin, to escort the provisions, which had some time remained there protected by a party under the command of Capt. Brush.

On Saturday, the 15th about one o'clock, a flag of truce arrived from Sandwich, bearing a summons from Gen. Brock, for the surrender of the town and fort of Detroit, stating, he could no longer restrain the fury of the savages. To this an immediate and spirited refusal was returned. About four o'clock, their batteries began to play upon the town. The fire was returned and continued without interruption and with little effect till dark. Their shells were thrown till eleven o'clock.

At day light, the firing on both sides re-commenced—about the same time the enemy began to land troops, at the springwells, three miles below Detroit, protected by two of their armed vessels—Between 6 and 7 o'clock, they had effected their landing and immediately took up their line of march—They moved in a close column of platoons, twelve in front upon the bank of the river.

The fourth regiment was stationed in the fort,—the Ohio volunteers and a part of the Michigan militia, behind some pickets, in a situation in which the whole flank of the enemy would have been exposed. The residue of the Michigan militia were in the upper part of the town to resist the incursions of the savages. Two 24-pounders loaded with grape-shot were posted upon a commanding eminence, ready to sweep the advancing column. In this situation, the superiority of our position was apparent, and our troops in the eager expectation of victory, awaited the approach of the enemy—Not a sigh of discontent broke upon the ear; not a look of cowardice met the eye. Every man expected a proud day for his country, and each was anxious that his individual exertion should contribute to the general result.

When the head of their column arrived within about five hundred yards of our line, orders were received from General Hull for the whole to retreat to the Fort, and the twenty-four pounders not to open upon the enemy. One universal burst of indignation was apparent upon the

receipt of this order. Those whose conviction was the deliberate result of a dispassionate examination of passing events, saw the folly and impropriety of crowding 1100 men into a little work which 300 could fully man, and into which the shot and shells of the enemy were falling. The Fort was in this manner filled: the men were directed to stack their arms, and scarcely was an opportunity afforded of moving—Shortly after a white flag was hung out upon the walls. A British officer rode up to enquire the cause. A communication passed between the commanding generals, which ended in the capitulation submitted to you. In entering into this capitulation the general took counsel from his own feelings only. Not an officer was consulted. Not one anticipated a surrender, till he saw the white flag displayed, even the women were indignant at so shameful a degradation of the American character; and all felt as they should have felt, but he who held in his hands the reins of authority.

Our morning report had that morning made our effective men present fit for duty 1060, without including the detachment before alluded to, and without including 300 of the Michigan militia on duty. About dark on Saturday evening the detachment sent to escort the provisions received orders from Gen. Hull to return with as much expedition as possible. About 10 o'clock the next day they arrived within sight of Detroit. Had a firing been heard or any resistance visible, they would have advanced and attacked the rear of the enemy. The situation, in which this detachment was placed, although the result of accident, was the best for annoying the enemy and cutting off his retreat that could have been selected. With his raw troops enclosed between two fires and no hopes of succour, it is hazarding little to say, that very few would have escaped.

I have been informed by Col. Findley, who saw the return of their quarter-master-general the day after the surrender, that their whole force of every description, white red and black, was 1030. They had twenty nine platoons, twelve in a platoon, of men dressed in uniform. Many of those were evidently Canadian militia. The rest of their militia increased their white force to about seven hundred men. The number of their Indians could not be ascertained with any degree of precision; not many were visible. And in the event of an attack upon the town and fort, it was a species of force which could have afforded no material advantage to the enemy.

In endeavouring to appreciate the motives and to investigate the causes, which led to an event so unexpected and dishonourable, it is impossible to find any solution in the relative strength of the contending parties, or in the measures of resistance in our power. That we were far superior to the enemy; that upon any ordinary principles of calculation we would have defeated them, the wounded and indignant feelings of every man there will testify.

A few days before the surrender, I was informed by Gen. Hull, we had 400 rounds of 24 pound shot fixed and about 100,000 cartridges made. We surrendered with the fort 50 barrels of powder and 2500 stand of arms.

The state of our provisions has not been generally understood. On the day of surrender we had 15 days of provision of every kind on hand. Of meat there was plenty in the country, and arrangements had been made for purchasing and grinding the flour. It was calculated we could readily procure three months' provisions, independent of 150 barrels of flour, 1300 head of cattle which had been forwarded from the state of



Ohio, and which remained at the River Raisin under Capt. Brush, within reach of the army.

But had we been totally destitute of provisions, our duty and our interest was undoubtedly to fight. The enemy invited us to meet him in the field.

By defeating him the whole country would have been open to us, and the object of our expedition gloriously and successfully obtained. If we had been defeated we had nothing to do but to retreat to the fort, and make the best defence circumstances and our situation rendered practicable. But basely to surrender without firing a gun—tamely to submit without raising a bayonet—disgracefully to pass in review before an enemy as inferior in the quality as in the number of his forces, were circumstances, which excited feelings of indignation more easily felt than described.

To see the whole of our men flushed with the hope of victory, eagerly awaiting the approaching contest, to see them afterwards dispirited, hopeless desponding, at least 500 shedding tears because they were not allowed to meet their country's foes, and to fight their country's battles, excited sensations which no American has ever before had cause to feel, and which I trust in God will never again be felt, while one man remains to defend the standard of the Union.

I am expressly authorized to state, that Colonels M'Arthur and Findley, and Lieutenant Colonel Miller viewed the transaction in the light which I do. They knew and I feel, that no circumstance in our situation, none in that of the enemy, can excuse a capitulation so dishonourable and unjustifiable. This too is the universal sentiment among the troops; and I shall be surprised to learn, that there is one man, who thinks it was necessary to sheath his sword, or lay down his musket.

I was informed by General Hull, the morning after the capitulation, that the British forces consisted of 1800 regulars, and that he surrendered to prevent the effusion of human blood. That he magnified the regular force nearly five fold, there can be no doubt—Whether the philanthropic reason assigned by him is a sufficient justification for surrendering a fortified town, an army and a territory, is for the government to determine.

Confident I am, that had the courage and conduct of the general been equal to the spirit and zeal of the troops, the event would have been as brilliant and successful as it now is disastrous and dishonourable.

Very respectfully, Sir, &c.

LEWIS CASS.

*Col. 3d Regiment Ohio Vol.*

Hon. William Eustis, Secretary of War.

*Albany, February 23, 1814.*

DEAR SIR,

I write you at the instance of the court convened here for the trial of Gen. Hull, to obtain your advice as to some points arising from the present and probably future state of the court, as to the number of its members.

The court, when organized, consisted of 14 members, viz. 13 sitting members and one supernumerary, (Colonel Forbes.) After the cause on the part of the United States was rested, the court adjourned for eight days, to give the general time to arrange his defence; in the interim,

Colonel Bogardus, who had returned to New-York, met with a very serious private misfortune, in the loss of one of his children by accident; which has hitherto prevented his return to this place. Generals Dearborn and Bloomfield, and Colonel Fenwick became severely indisposed, but have so far recovered as to meet yesterday, but Colonel Bogardus being absent, the abilities of the gentlemen who, had been sick, to attend, being of doubtful continuance, was thought advisable to adjourn until Colonel Bogardus's return, who had been wrote to.

Thus situated, it would be agreeable to the court to be advised from the war department.

1st. Whether a member who has been absent material part of the trial, can take his seat again after the supernumerary.

2d. How many are necessary to a ballot conviction, if as the court was originally, 13.

3d. What could be the most advisable course for the issue should their number be reduced to 12 or less.

4th. Will it be necessary for the court to remain here until proceedings shall have been submitted to the President or pro-aited States?

With great respect, sir, your humble servant.

(Signed.) MARTIN VAN BUREN.

The Hon. John Armstrong, Secretary of War.

*War Department, March 7th, 1814.*

Sir,

Your letter of the 23d ult. has been received, and I hasten to answer your four questions.

1st. A member who has been absent, may take his seat after such absence; but if the supernumerary, supplying his place, should have been present during the whole time, so far as it has gone, and can continue his attendance on it, he may be preferred.

2d. A mere majority of the court may convict of any degree of crime, but two thirds of the court are necessary to pass a sentence of death.

3d. New members may be added to keep up the original number of the court (this is military usage) the proceedings as recorded being read to them. See General Robert Howe's trial during the war of the revolution, and General Whitlock's in England, &c.

4th. When the proceedings of the court are closed and reported, the court may be dissolved by the president.

I am, sir, yours respectfully,

(Signed.)

JOHN ARMSTRONG.

P. S. In case an absent member returns and resumes his seat, the proceedings, which have been had in his absence, must be read to him.

Hon. Mr. Van Buren, acting special judge advocate.

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